

Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



LEGISLATIVE ANALYSIS

Tuesday, May 11, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

NOTICE

Additional information will be distributed on Monday, May 10, 2004.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE PERTAINING TO ZONING AND ENVIRONMENTAL PROTECTION; CREATING ARTICLE XI, SECTION 33-152 ET SEQ. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR ROCKMINING OVERLAY ZONING AREA; AUTHORIZING ROCKMINING AND ANCILLARY USES, CONTROL OF SUCH USES, AND WAIVER OF RIGHTS-OF-WAY IN OVERLAY ZONING AREA; REQUIRING APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS FOR CERTAIN ANCILLARY USES TO ROCKMINING; AMENDING SECTIONS 33-13 AND 33-314 OF THE CODE; AMENDING SECTION 24-58.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO TIME OF COMPLETION OF WORK; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Jose "Pepe" Diaz
Commissioner Bruno A. Barriero
Commissioner Natacha Seijas
Commissioner Rebeca Sosa

I. SUMMARY

Item would authorize most rockmining activities within the lakebelt area of Miami-Dade County to occur as a matter of right-without the requirement for public hearing regarding unusual use.

II. PRESENT SITUATION

Currently, rockmining activities occurring in Miami-Dade County require a public hearing to take place. This public hearing takes place at community council meetings. There is a cost associated with seeking an unusual use permit to conduct rockmining (including scheduling hearings, advertising in local newspapers, the actual permit, etc.) In general, the process takes at least three months.

III. POLICY CHANGE AND IMPLICATION

Changes to the current Code include:

Sec. 33-13. Unusual uses.

- Adds language that specifically excludes lake excavation(s) that are expressly allowed in the "Rockmining Overlay Zoning Area" (ROZA) as defined in Article XI, Sec. 33-152 of the Code of Miami-Dade County.

Sec. 33-152. ROZA. Definitions.

- Addition of definitions to provide for rock mining activities and uses ancillary to rock mining as allowable uses, include asphalt plant, cement plant, concrete batching plant or ready-mixed concrete plant, concrete block plant, prestressed and precast concrete production plant, ROZA (legal description), rock crushing and screening plant, and rockmining.

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Sec. 33-153. Districts and Locations Where Rockmining Uses are Permitted.

- All regulations underlying zoning districts apply within ROZA except for:
 1. Height restrictions (currently, 35 feet)
 2. Setback Regulations within ROZA all buildings, structures and equipment shall be setback a minimum of 25 feet from all property lines under different ownership, except that no setback regulation is imposed upon conveyor belts and/or the systems or equipment used for the transportation of raw materials, etc.
 3. Off-street parking regulations

Sec. 33-154. Uses Permitted by this Article

- General rockmining and ancillary uses thereto.

Sec. 33-155. Control of Rockmining Uses

- Describes the proposed administrative approval process for obtaining a rockmining certificate of use upon compliance with the terms and conditions for this activity.

Sec. 33-156. Minimum Landscaped Open Space, Mitigation Areas and Littoral Zones.

- Due to the nature of the uses, these areas shall constitute compliance with the landscaped open space requirements.

Sec. 33-157. Zoned Rights-of-Way

- Rights-of-way shall not be required, as long as affected properties are utilized for the uses permitted and are not needed for access to non-rockmining properties that are otherwise landlocked.

Sec. 33-314. Direct applications and appeals to the County Commission.

- Amendment adding sub-section (12) Applications for uses ancillary to bona fide rockmining pursuant to Sec. 33-154(c) of this Article.

Sec. 24-58.9. Time of Completion of Work; Extension of completion time and new permits for incomplete work

- Class IV short form permits for rockmining will be 10 years (currently, 5)
- Class IV short form permits for rockmining for which a public hearing has been requested pursuant to Section 24-58.2(I)(B)(1) for 10 years (currently, 5)
- Class IV standard form permit for rockmining for 10 years (currently, 5)

IV. ECONOMIC IMPACT

Staff estimates the impact to be minimal.

BCC ITEM 6(A)

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V. COMMENTS AND QUESTIONS

In the item, ROZA is given a legal description, but a map was not readily available. ROZA falls under the area that has been designated by the Florida Legislature as the "Miami-Dade County Lake Belt Area". The use that this permits is expressly related to mining industries. Currently, most of the Lakebelt area is zoned GU or Agricultural.

If adopted, applications for Rockmining will simply go to Miami-Dade County and both the Department of Environmental Resources and Management and the Department of Planning and Zoning would have to review the application and approve the application. (A similar permit process occurs today after the public hearing process approval) There would be no public hearing component. In addition, the timing for the application process for rock mining application would be significantly reduced, as it would be for the administrative component only.

This item was reviewed at the GOE Committee and received public input. Some concerns that were addressed were in reference to the notice of issuance of director approval for the use. It was explained that an appeal process could take place.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE PERTAINING TO MINIMUM MAINTENANCE STANDARDS FOR PROPERTY IN THE UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; MODIFYING CHAPTER 19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE "CODE"); AMENDING SECTIONS 19-3, 19-8, 19-12, 19-13, 19-15.3, 19-15.5, 19-15.12 OF THE CODE; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Senator Javier Soto
Commissioner Dennis C. Moss

I. SUMMARY

This item proposes changes to the Code of Miami-Dade County as it relates to maintenance standards in UMSA. The changes are as follows:

Code	Current code	Proposed change	Analysis
19-3 (A) (5)	The length of time the property has remained in its present location	Evidence that it has not moved within 72 hours, including evidence that one or more tires have been raised on jacks/blocks	More detail in what suffices for evidence the property has been abandoned.
19-3 (AA)	Adding additional language	Adds definition for advertising device. (2) Items in an enclosed structure or shed will not be considered junk	There is a proposed change in 19-15.2 Removes carport and inserts enclosed structure.
19-8 (A)	Adding additional language	Adds junk definition as in 19.3(j)	House cleaning in nature
19-8 (c)	Adding additional language	Adds Vehicle covers in items listed as concealing junk	Would remove the ability to hide a vehicle considered junk under a car cover to avoid the code provisions
19-11	Adding additional language	Adds language "or the permit lapse"	Requires removal of items if permit lapse

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19-12 (A) (B) (C)	Requires property to be removed within 10 days and gives 10 days to file a show cause motion	Changes 10 days to 5 in all cases	Reduces time that property will be left abandoned due to administrative reasons
19-13 (D)	Adding new language	Adds new language to ban open air storage of items in residential zoning areas, except for usable lawn /pool /toys, e.g. Equipment	Creates more restrictive allowable use to improve quality of life environment. \$100 fine
19-15.3	Adds new language	Adds new language to require parking lot striping for strollers and parking spaces.	House cleaning to comply with current code 33-122.2
19-15.5	Adds new language	Requires litter containers for places that sell food/beverages	Requires compliance with site plan Designed to reduce litter at these establishments (\$100)

Code	Current Code	Proposed Change	Analysis
19-15-.5 (F)	New language	Adds language requiring screening for service areas, waste disposal areas and requires that you must comply with the site plan	Blocks these items from normal sight and requires that site plans be complied with. (\$500 fine)
19-15.12	New language	Prohibits vehicles from being parked and used for advertising purposes	Prohibits the marking up of vehicles and parking them for long periods of time for advertising purposes.

II. PRESENT SITUATION

This item proposes changes to the current code. The Board approved the current code on 7/8/2003.

III. POLICY CHANGE AND IMPLICATION

Consistent with current Board policy(s) on improving the quality of life through code improvements for UMSA.

IV. ECONOMIC IMPACT

Staff has written that these changes represent no fiscal impact to Miami-Dade County. This assumption is based on the thought that no new personnel would be added to enforce the new code changes and that the new changes will be revenue neutral.

The changes may have at least a minimum impact on the private sector which has to comply with the new changes.

V. COMMENTS AND QUESTIONS

The major changes from the last time this item was before us is the removal of the liter bins in the drive thru and the better definition of items that are allowed including recreation equipment and normal items found in lawns and porches. The item as written appears to strike a good balance between the ability of homeowners to enjoy their property and the desire of the community to set standards. This is a very common approach found in communities with homeowner associations that require very strict adherence to the standards in order to maintain the quality of the neighborhood.

Does the code provide for a warning before fines are given? Is the fine per incident or per day?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTION 24-58, SECTION 24-58.2, SECTION 24-58.3, AND SECTION 24-58.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; RELATING TO CLASS I, CLASS II, CLASS III, CLASS IV, CLASS V, AND CLASS VI PERMITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Department of Environmental Resources Management

I. SUMMARY

This proposed ordinance amends Class I – VI permit requirements in Sec. 24-58 of the Code:

- Removes most references to the Public Works Manual;
- Authorizes the DERM Director to delegate permit-related authorities to one or more designees; and
- Allows the DERM Director or designee to administratively approve and issue short-form Class I permits for projects (i.e. boat docks) that extend beyond the boundaries specified in Section D-5(03)(2)(a) of the Public Works Manual (D-5 boundaries).

II. PRESENT SITUATION

Presently, if a Class I permit application exceeds the D-5 boundaries, the applicant must obtain a variance from the Environmental Quality Control Board (EQCB) before DERM can approve a permit. [See Attachment #1 for description of D-5 boundaries.]

III. POLICY CHANGE AND IMPLICATION

For Class I permit applications that exceed D-5 boundaries, DERM will be required to “consider” any written letter of objection from an adjoining riparian property owner, but DERM may override the objection and approve the application provided the project does not interfere with navigation by extending more than 25% of the width of the waterway.

Aesthetic considerations are not listed as a factor that DERM must consider before granting a permit.

IV. ECONOMIC IMPACT

There will be no impact to the County budget or revenue.

Neighboring riparian property owners’ property values may be negatively impacted if a project degrades waterfront views by exceeding the D-5 boundary or by aesthetic considerations.

V. COMMENTS AND QUESTIONS

The ordinance does not contain a guarantee that neighboring riparian property owners will know of their right to file objections with DERM and to request a public hearing before the Board of County Commissioners.

Attachment #1

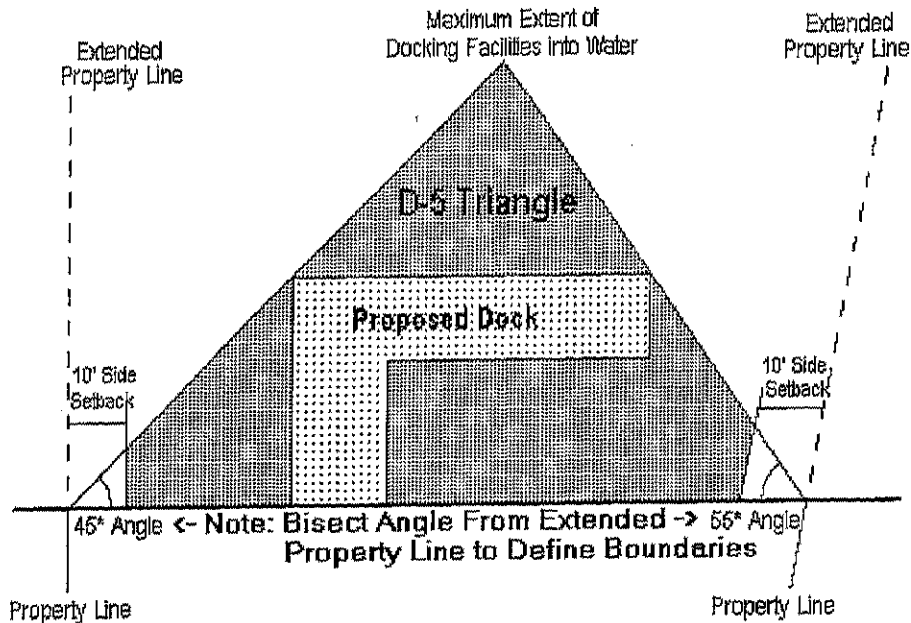
MIAMI-DADE COUNTY
DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT

CLASS I PERMIT APPLICATION
FOR COASTAL CONSTRUCTION
AND MANGROVE TRIMMING

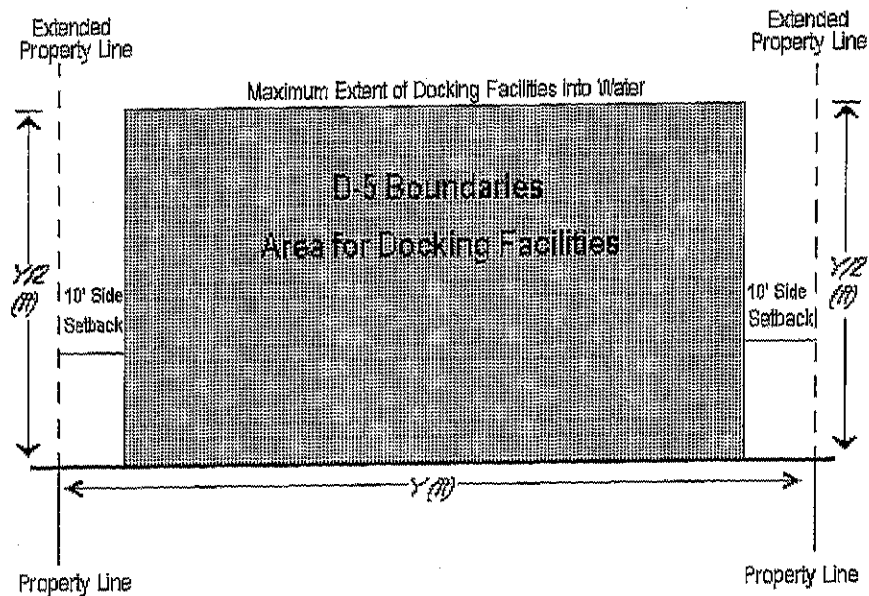
D-5 BOUNDARIES

Note: Please design project within D-5 boundaries if possible

D-5 GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTY



D-5 GUIDELINES FOR MULTI-FAMILY OR COMMERCIAL PROPERTY



LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO WILLIAMSON CADILLAC COMPANY (BODY SHOP), A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development (OCED) recommends that the BCC approve the ordinances granting Enterprise Zone Ad Valorem Tax Exemption to Williamson Cadillac Company (Body Shop), American Petroleum of Franjo, LLC, and Pelican Development, LLC.

II. PRESENT SITUATION

The Enterprise Zone Ad Valorem Tax Exemption was authorized by this Board through Ordinance 88-27 and revised under Ordinance 96-74. To be eligible for the exemption, a new or expanding business must create a minimum of five (5) new full-time jobs. If 20% or more of the company's employees are residents of an Enterprise Zone, the exemption for that year will be 100% of the assessed value of all improved real property or tangible personal property. If the company does not meet the 20% rule then its exemption will be limited to 50% of the assessed value. OCED will monitor the firm's compliance during the life of the exemption.

III. POLICY CHANGE AND IMPLICATION

None

IV. ECONOMIC IMPACT

	6L	6M	6N
	Williamson Cadillac Company (Body Shop)	American Petroleum of Franjo, LLC	Pelican Development, LLC
Total new investment	\$1,460,000	\$550,000	\$4,400,000
Projected new jobs	30	6	9
Term	5 years	5 years	5 years
Exemption per year	\$11,434.96 (100%)	\$768.08 (50%)	\$25,790.47 (100%)
EZ employees	7 (23%)	0 (0%)	2 (22%)
Non-Miami-Dade EEs	1	0	0

V. COMMENTS AND QUESTIONS

None

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ITEM 6(O)

ORDINANCE PROVIDING FOR AN ADMINISTRATIVE ORDER TO ESTABLISH PROCEDURES FOR DETERMINING CONTRACTOR RESPONSIBILITY IN COUNTY CONTRACTING; AMENDING SECTIONS 2-8.1 AND 10-38 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ITEM 7(O)(1)(F)

RESOLUTION ESTABLISHING AN ADMINISTRATIVE ORDER FOR CONTRACTOR RESPONSIBILITY IN COUNTY CONTRACTING

Procurement Management Department (DPM)

I. SUMMARY

Item 6(O)

This ordinance amends Sections 2-8.1(j) and 10-38 of the Code of Miami-Dade County (governing contractor responsibility) to provide for the below Administrative Order (A.O.).

Item 7(O)(1)(F)

This resolution creates an A.O. that sets forth the policies and procedures in determining contractor responsibility in the awarding of County contracts.

The main points of the A.O. are summarized as follows:

- In determining whether a contractor is “capable” of performing, the County may consider factors including but not limited to past performance (with the County and/or third parties) of the firm and/or its supervisory personnel and financial ability (such as pending claims).
- In evaluating the “record of integrity and business ethics”, the County may consider factors including but not limited to criminal conviction of the contractor; inaccurate, incomplete, or fraudulent accounting practices; and pendency of criminal charges, disciplinary proceedings, enforcement cases, citations, notices of violation from regulatory authorities.
- In making the determination of contractor responsibility, the County may request any documentation from the contractor to evaluate the factors above. *The contractor may be determined nonresponsible if they do not provide the requested information, or the County is otherwise unable to make an affirmative determination.*
- The **County Manager**, in consultation with the procurement director and the user department(s) director, makes the determination of contractor responsibility. For construction of capital improvements, acquisition of professional services and construction contracting, the Capital Improvement Coordinator (CIC) makes the determination. However, if the CIC disagrees with the determination made by the user department, the County Manager would make the final decision.

BCC ITEM 6(O) and 7(O)(1)(F)

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- Evaluations are on a contract-by-contract basis. *Thus, it is possible that a contractor is responsible and capable of performing a certain contract, but not another contract. In other words, a determination of nonresponsibility on a particular contract does not necessarily preclude the contractor from being awarded another contract.* (If it is an integrity issue, the firm may also be subject to debarment, which would make the firm ineligible for any County contracts for a specified period of time)
- All determinations of nonresponsibility must be documented in the contract file. The County will notify the contractor in writing of a determination of nonresponsibility, at which point the contractor may file a bid protest (pursuant to Section 28.4 of the County Code and A.O. 3-21).
- Prospective prime contractors will be responsible for determining the responsibility of their subcontractors, although the County might directly determine responsibility of the latter. The prospective subcontractor's responsibility determination may affect the County's determination of the prime contractor's responsibility.

II. PRESENT SITUATION

In general, a responsible contractor can be defined as one who has demonstrated the quality, capacity, integrity and experience to satisfactorily perform a contract. It is the County's policy to conduct business only with responsible contractors. The current code requires a determination of contractor responsibility when a contract is awarded, but does not specifically provide for a description of factors to be considered when these determinations are made. Prior to award, the department conducts a "competency survey" or pre-evaluation of the contractor that includes questions such as: Is the vendor regularly engaged in conducting business for those goods/services they are proposing to provide? Does the vendor have the proper equipment and resources necessary to fulfill the contract? In addition, as part of the Vendor Registration Package, vendors have to complete affidavits that include Debarment Disclosure; Collection of Taxes, Fees, & Parking Tickets; Code of Business Ethics; and Current Status of Obligations. A firm's financial ability to perform a contract depends on the type of good or service and the size of the procurement.

III. POLICY CHANGE AND IMPLICATION

The proposed A.O. provides for standards and procedures for agencies to determine contractor responsibility and allows for consistent application by all departments. It reflects the criteria the County has informally used to make determinations of contractor responsibility. As written, it does not provide explicitly for:

- The imposition of penalties or sanctions for vendors who deliberately attempt to circumvent the process
- A centralized collection and dissemination of contractor misconduct and deficient performance, such as a listing of nonresponsible bidders and the applicable contracts

According to DPM, under the proposed A.O., only determination of nonresponsibility may be protested, and only by the affected contractor [Section 11(9)]. As such, an assertion of nonresponsibility (by another bidder) is not subject to bid protest.

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IV. ECONOMIC IMPACT

The proper determination of contractor responsibility as early as possible in the contracting process can reduce the costs involved with disputes related to contractor performance. In addition, it sends a stronger message to the community that the County intends to only contract with those that meet standards of responsibility and law-abiding behavior.

V. COMMENTS AND QUESTIONS

Each year, the County spends millions of dollars procuring goods and services. The prudent expenditure of public dollars requires that the County's procurement process results in the selection of qualified and responsible contractors who have the capability to perform the contract. Thus, the specification of criteria to consider in determine contractor responsibility

Contractor responsibility legislation exists, to varying degrees of specificity, in other jurisdictions. For example:

- Los Angeles County, CA determines contractor responsibility based on standards in its County Code, which include a review of the contractors past performance on County and other contracts. Particular attention is given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the contractor against public entities. Contractors are given the opportunity to rebut evidence which was the basis for the County's determination of non-responsibility.
- San Diego County, CA includes guidelines for determining contractor responsibility in its contracting manual.
- Both Dallas County, TX and Orange County, CA have no formal policies or procedures on this issue. Terms and conditions are included in contracts to provide protection to the County, and responsibility is determined on a case-by-case basis. Dallas County noted that its County Attorney has recommended that they develop a formal debarment policy, which they also don't have.
- City of Los Angeles, CA program is similar in scope to the proposed A.O. However, in addition, it requires the maintenance of a list of contractors which have been determined nonresponsive. After two years, the contractor may request removal from the list. Unless otherwise removed, the names are on the list for five years.
- Maricopa County, AZ has a policy similar to the proposed A.O. as well. However, it delegates to the Procurement Officer (generic term for Contract Officer, Procurement Buyer, etc.) the authority to make the determination. The contractor could make an appeal to the Procurement Director and, if needed, would have to file a civil complaint to get the decision changed.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE MODIFYING COMMUNITY COUNCIL CONFIGURATION, NUMBERS AND MEMBER ASSIGNMENTS AFTER ANNEXATION OR INCORPORATION; PERMITTING FUTURE MODIFICATIONS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AFTER PUBLIC HEARING; AMENDING SECTIONS 20-42 AND 2-43 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Team Metro

I. SUMMARY

This ordinance will modify the current Community Council System. This is required as a result of Incorporation and Annexation of UMSA areas which the Councils previously had oversight.

II. PRESENT SITUATION

There are currently 14 Community Councils which cover UMSA. Each Council contains six (6) subareas. The Council's are made up of seven (7) members, six elected at large and one appointed by the Board of County Commissioners.

When an area of a Council is Incorporated or Annexed, the number of members is reduced putting the Council in violation of the Ordinance which created it.

III. POLICY CHANGE AND IMPLICATION

This Ordinance will modify the County Code to reduce the number of Councils to no more than ten with no more than six subareas. The membership shall remain the same. When, as a result of municipal incorporation or annexation, a Community Council does not have enough members in office to act, the BCC may through resolution reassign the remaining areas of the affected Community Council to a different Council and modify the total number of Councils accordingly. The Reassigned members shall serve until the next first state primary election.

IV. ECONOMIC IMPACT

N/A

V. COMMENTS AND QUESTIONS

How many members will a Council which receives members have?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING CHAPTER 31, ARTICLE II, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE REGULATION OF TAXICABS; AMENDING PROVISIONS RELATING TO WHEELCHAIR ACCESSIBLE TAXICABS; CREATING THE SOUTH MIAMI-DADE TAXICAB SERVICE AREA; AMENDING PROVISIONS REGARDING TAXICAB LOTTERY, PROVIDING FOR ISSUANCE OF ADDITIONAL FOR-HIRE TAXICAB LICENSES AND INCREASING PRICE OF FOR-HIRE LICENSES; PROVIDING FOR STUDY REGARDING FOR-HIRE TAXICAB INDUSTRY AND THE IMPOSITION OF FEE TO PAY FOR STUDY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Miami-Dade Transit Department

I. SUMMARY

This item seeks to amend Chapter 31, Article II of the Codes of Miami-Dade County governing the taxicab industry.

The amended code would establish new criteria for the taxicab medallion lottery program to distribute up to 35 medallions per year for a three year period for a total of 105 new medallions.

Further the amendment would increase the rates for medallions, establish a new zone in South Miami-Dade County, and develop a report at the end of the three (3) year period detailing the effects on the industry.

II. PRESENT SITUATION

In 1998 the Board of County developed new reforms governing the taxicab industry. Among these reforms was an attempt to create more owner-drivers, issue new medallions through a lottery to drivers only. This lottery would distribute 25 medallions per year for five (5) years

In 1999 the Board approved Ordinance 99-71 created an Underserved Taxicab Service Area and added an additional 2 medallions to the lottery. The recipient of these two medallions could operate only in the designated "Underserved" area.

Further, the Code established an ideal number of Taxicabs within Miami-Dade County as 1 Taxicab per 1000 residents.

Presently there are 1,966 taxicabs operating within Miami-Dade County.

Miami-Dade County's current population is estimated at 2,372,000 residents. Under the goals established under section 31-82(p) of the Code, Miami-Dade County would still be 406 Taxicabs short of the ideal service level.

III. POLICY CHANGE AND IMPLICATION

This amendment would adjust the ideal service level to allow for an additional 105 new medallions to be issued by 2007, bringing the total number to 2071 (or 1 taxi per every 1174 residents).

Discussions between the Consumer Services Department and industry representatives resulted in the understanding that the current market would be adversely affected by the original 1:1000 ratio.

This amendment would also create a South Miami-Dade Service Area and dedicate 7 of the 35 new medallions per year for taxicabs servicing that area only. The Northern boundary of the newly established area would be SW 136th Street.

The amendment would increase the cost of medallions as follows:

<u>Type of Medallion</u>	<u>Current Cost</u>		<u>As Amended</u>
Regular	\$15,000	→	\$25,000
Underserved Area Medallion	\$10,000	→	\$15,000

** Wheelchair accessible Taxicab Medallions would cost \$10,000 less than the price of the medallion for the area served, (For example a wheelchair accessible Taxicab Medallion for a Taxi operating in the Underserved Area would be \$5,000.

IV. ECONOMIC IMPACT

Amending the code would result in a negative fiscal impact to the Department of \$4,595,000 over the next 3 years.

The Consumer Service Department uses revenues derived from the medallions to regulate the industry.

V. COMMENTS AND QUESTIONS

This amendment requires a 2/3 vote of the Board.

The Department also needs to address the Sunset provision contained in the ordinance with reference to the Underserved Area Program.

This program is scheduled to Sunset on July 1, 2004. However due to the effectiveness of the program the County may wish to extend the program.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

Item 7(A)(1)(A): *RESOLUTION AWARDING PUBLIC ADDRESS SYSTEM INFRASTRUCTURE (PASI) AGREEMENT TO PRO SOUND, INC. AT MIAMI INTERNATIONAL AIRPORT, PROJECT NO. 1112A; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE AGREEMENT AND TERMINATION PROVISIONS CONTAINED THEREIN*

Item 7(A)(1)(B): *RESOLUTION AUTHORIZING COUNTY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO PROJECT NO. 1112A PUBLIC ADDRESS SYSTEM INFRASTRUCTURE (PASI) PROJECT AT MIAMI INTERNATIONAL AIRPORT, WITH PRO SOUND, INC. AND TO MAKE DIRECT PURCHASE OF EQUIPMENT FOR THIS PROJECT FROM THE MANUFACTURER; COMPETITIVE BIDDING THEREFOR IS HEREBY WAIVED UPON WRITTEN RECOMMENDATION OF THE COUNTY MANAGER*

Aviation Department

I. SUMMARY

These proposed resolutions would:

- **Item 7(A)(1)(A):** Award a \$4.347 million contract to Pro Sound, Inc. for Miami International Airport public address system equipment and installation, and
- **Item 7(A)(1)(B):**
 - Immediately reduce the contract by \$3.276 million (-75%) by stipulating that MDAD will provide all equipment by direct purchase from the manufacturer, Innovative Electronic Designs, Inc. (IED); and
 - Waive formal bid requirements for MDAD procurement of equipment from IED.

II. PRESENT SITUATION

New public address system infrastructure is required to integrate new and existing facilities at Miami International Airport (MIA) as provided for the master plan adopted in 2002. The ITB for this project specified that all bidders use an Innovative Electronic Designs, Inc. (IED) system.

On December 8, 2003, the BCC concurred with the County Manager's recommendation to reject all four bids (Pro Sound, Inc.; Altel Systems Group, Inc.; Washington Professional Systems; and Ronco Specialized Systems, Inc.) that had been received for this project because all bids exceeded the project's estimated cost (\$4.1 million) by 72% or more. Furthermore, the BCC directed the County Manager to negotiate with the bidders to seek to revise the scope and lower costs. **Item 7(A)(1)(A)** is the County Manager's award recommendation resulting from negotiations with the two firms (Pro Sound, Inc. and Ronco Specialized Systems, Inc.) that responded to County's offer to negotiate.

III. POLICY CHANGE AND IMPLICATION

In the negotiation process, Roncos' First Best and Final Offer (\$7.190 million) was submitted without an Offer Guarantee and was opined by the County Attorney's Office to not be in compliance with the requirements of the negotiation process (4th paragraph, handwritten p. 8). Therefore, the Negotiation Committee found no further need for review of Ronco's offer. Because Pro Sounds First Best and Final Offer was almost \$3 million less than Ronco's, it seems unlikely that Ronco's noncompliance had any impact on the outcome of the negotiation process.

IV. ECONOMIC IMPACT

Item 7(A)(1)(A):.....\$4,347,430.47
Item 7(A)(1)(B) (Change #1):.....-\$3,275,943.50
Net Pro Sound contract cost:.....\$1,071,486.94

Est. County cost to directly procure equipment:..\$3,063,050.50
Est. Total PASI project cost:.....\$4,134,537.44¹ (MDAD)

Original estimated project cost:\$4,112,590.00

The County Manager's memorandum recommending these items indicates that "*County purchase of the equipment directly from the source would save the County approximately \$180,689.00 in sales tax cost, and \$32,204.00 in Performance Bond cost, for an estimated total savings of \$212,893.00*" [first paragraph, handwritten p. 3, Item 7(A)(1)(A)].

Supporting documentation previously provided to the BCC for the December 8, 2003 meeting, MDAD indicated that the FAA had informed them that Airport Improvement Program (AIP) grant funds would not be available for this project. However, MDAD indicated that it had identified other funding for this procurement.

V. COMMENTS AND QUESTIONS

Net savings to the County from direct purchase of the equipment may not be as large as indicated in the County Manager's memorandum recommending this Item because of several factors.

- Procurement actions by County staff may have both (a) direct costs to execute the procurements and for subsequent warehousing/inventory control of materials and (b) indirect costs (a.k.a. opportunity costs) for deferral of other tasks that could otherwise have been accomplished with the resources to be assigned to this project.
- Direct procurement may open MDAD to potential risks related to: (1) potential manufacturer's price increases, (2) equipment failure/warranty, (3) compatibility, and (4) timely availability of equipment when needed by Pro Sound.

¹ Assumes MDAD avoids impacts from potential risks associated with direct purchase of equipment such as: (1) manufacturer's price increases, (2) equipment failure/warranty applicability, (3) compatibility, and (4) timely availability of equipment when needed by Pro Sound.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING ADVERTISEMENT FOR COMPETITIVE BIDS FOR LEASE OF APPROXIMATELY 430 ACRES OF LAND FOR FARMING AT HOMESTEAD GENERAL AVIATION AIRPORT WITH A MINIMUM ACCEPTABLE BID OF THREE HUNDRED DOLLARS PER ACRE, AND FURTHER AUTHORIZING COUNTY MANAGER TO EXECUTE LEASE WITHOUT FURTHER BOARD CONSIDERATION

Aviation Department

I. SUMMARY

This is a proposal to competitively bid and award a five-year lease for farming of 430 acres of property at Homestead General Aviation Property, effective August 1, 2004. The proposal provides for a minimum acceptable bid of \$300 per acre per year (\$129,000 per year) as compared to the present lease that is at \$173 per acre per year (\$74,390 per year).

II. PRESENT SITUATION

Advertising and letting of this lease at this time assumes early termination of the previous five (5)-year lease with Wright Way Farms that was effective on October 1, 2000. The County Manager reports that Wright Way Farms' bid in 2000 "*might be vacated by a Court as collusive under Section 2-8.1.1 of the Code of Miami-Dade County*" (5th paragraph, handwritten p. 2). The County Manager indicates that the early termination complies with the provision in the previous lease that provides that either party can terminate the lease without cause upon 180 days advance notice (2nd paragraph, handwritten p. 2).

A lawsuit against the County by Ledford Farms, the lessee who preceded Wright Way Farms, was pending at the time this proposal was discussed at the February 12, 2004 Transportation Committee meeting but has now been voluntarily dismissed without prejudice.

III. POLICY CHANGE AND IMPLICATION

The present lessee, Wright Way Farms, did not object to this item when it was heard at the April 22, 2004 Transportation Committee meeting at which the Committee voted to recommend approval. However, Wright Way Farms had previously voiced objections to early termination of his present lease when this resolution was heard and deferred at the February 12, 2004 Transportation Committee meeting (Legislative File Nr. 0402760).

- The County Manager explained that, in the interim period between the Transportation Committee meetings, differences had been resolved to the lessee's satisfaction.

IV. ECONOMIC IMPACT

- Minimum \$300 per acre per year (\$129,000) in MDAD revenue
- +74.3% more than the present lease that is at \$173 per acre per year (\$74,390).

V. COMMENTS AND QUESTIONS

- The rationale for early termination of Wright Way Farms' lease [the situation that led the County Manager to conclude that Wright Way Farms' bid in 2000 "*might be vacated by a Court as collusive under Section 2-8.1.1 of the Code of Miami-Dade County*" (5th paragraph, handwritten p. 2)] has not yet been explained before the Transportation Committee or BCC.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION EXTENDING APPLICATION OF RENTAL RATES APPROVED PURSUANT TO RESOLUTION NO. R-282-02 THROUGH MARCH 31, 2004; ESTABLISHING REVISED RENTAL RATES FOR OPA-LOCKA AIRPORT, KENDALL-TAMIAMI EXECUTIVE AIRPORT AND HOMESTEAD GENERAL AVIATION AIRPORT FOR PERIOD EFFECTIVE APRIL 1, 2004 THROUGH MARCH 31, 2005 OR UNTIL BOARD ADJUSTS RENTAL RATES, WHICHEVER IS LATER; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO ADMINISTRATIVELY ADJUST RENTAL RATES ON BUILDINGS REQUIRING IMPROVEMENTS TO OBTAIN CERTIFICATE OF OCCUPANCY; AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXECUTE FORMAL LEASE AMENDMENTS AS NECESSARY TO EFFECT IMPLEMENTATION

Aviation Department

I. SUMMARY

This resolution proposes adjusting rental rates at MDAD's general aviation airports (Opa Locka Airport, Kendall-Tamiami Executive Airport and Homestead General Aviation Airport) effective April 1, 2004 and extending the existing rates until that date.

- The County Manager's memorandum recommending this Item describes meetings held with tenants on January 5, 7, 9 and 28, 2004 to discuss rental rate concerns that were raised at the December 11, 2003 Transportation Committee meeting.
- The proposed rental rates in this Item are unchanged from the rates originally proposed to the December 11, 2003 Transportation Committee meeting.
- At the April 22, 2004 Transportation Committee meeting, a general aviation airport tenant from Kendall-Tamiami Executive Airport presented strong objections to the new rates, including objections based on: (a) declining sales, (b) increasing costs, and (c) MDAD's use of operating profits from Kendall-Tamiami Executive Airport to benefit other airports in the Miami-Dade County Airport System.
- MDAD has previously been cited in the U.S. Department of Transportation Office of Inspector General report, *Report on Oversight of Airport Revenue*, FAA Report Nr. AV-2003-030, dated March 20, 2003, for diverting airport revenues to non-airport related expenses, including de facto diversion by not charging fair market rental rates. [See Section V of this analysis for description of the Federal requirement for all airport sponsors receiving Federal assistance to charge tenants fair market rental rates and to use airport revenues for the capital or operating cost of the airport.]

II. PRESENT SITUATION

Per the County Manager's memorandum recommending this item, existing rental rates were due to be adjusted on April 1, 2003, but MDAD's updated appraisal report from Slack, Johnston & Magenheimer, Inc. is dated May 30, 2003 (handwritten pp. 7-12.) As a result, the County Manager deferred implantation of the appraisal's recommendations until the next, regular-scheduled adjustment on April 1, 2004 (handwritten p. 2).

May 11, 2004

III. POLICY CHANGE AND IMPLICATION

In addition to the rate changes, this proposal would authorize the Aviation Department to administratively adjust the rates to recover costs for improvements made for the forty-year certification process.

IV. ECONOMIC IMPACT

Revised rates will increase revenues for MDAD but may negatively impact tenants and County departments that rent property or facilities at MDAD's general aviation airports.

If MDAD does not charge fair market rental rates to all tenants, MDAD could potentially be again cited by the U.S. DOT Office of Inspector General for violating federal requirements by not charging market rental rates.

V. COMMENTS AND QUESTIONS

Federal requirements argue for both:

- Charging fair market rent, which is what MDAD proposes to do in this **Item** based on the Slack, Johnston and Magenheimer appraisal report; and
- Retention of airport revenues to benefit the airport.

Federal requirement.

The Airport and Airways Improvement Act of 1982, as amended and codified in Title 49, United States Code, Chapter 471, requires all airport sponsors receiving Federal assistance to use airport revenues for the capital or operating cost of the airport. Any other use of airport revenue is considered a revenue diversion. Examples of common revenue diversions include charges to the airport for property or services not provided, indirect costs improperly allocated to the airport, and payments of less than fair market rent for use of airport property (Report on Oversight of Airport Revenue, FAA Report Nr. AV-2003-030, dated March 20, 2003, pp. 2-3).

MIA compliance discrepancy from not charging fair market rental rates.

Miami-Dade County leased two airport properties to the County Department of Corrections and Rehabilitation (the Department) at substantially below fair market value. The fair annual rent for one property was estimated at \$141,220 in 1995 and \$143,667 in 1998, but the Department only paid \$12,000 annually for the property since 1995. The second property was leased at one-third the estimated FY 1998 annual rate of \$159,387. Thus, the sponsor collected only \$53,129 annually since 1998 for this property. In total, the sponsor diverted \$995,178 in lost rental revenue for these two properties from FYs 1995 through 2000 (Report on Oversight of Airport Revenue, FAA Report Nr. AV-2003-030, dated March 20, 2003, p. 14).

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 4.03(D) OF THE HOME RULE CHARTER, ADMINISTRATIVE ORDER 3-38 AND THE REQUIREMENTS OF RESOLUTION NO. R-1586-72; AUTHORIZING PAYMENT TO VENDORS ASSOCIATED WITH EVENTS SPONSORED AND/OR HOSTED BY MIAMI INTERNATIONAL AIRPORT (MIA) AND ITS GENERAL AVIATION AIRPORTS

Aviation Department

I. SUMMARY

This is a proposal to, for a period of four (4) years, waive formal bid procedures and requirements for procurement of *"professional entertainers, performers and other vendors associated with events sponsored and/or hosted by the Miami International Airport and its General Aviation Airports; following approval by the County Attorney's Office and waives formal bid procedures....All goods and services secured pursuant to this waiver shall not exceed \$300,000 in total, nor \$25,000 per vendor per event."*

II. PRESENT SITUATION

Per normal procurement procedures.

III. POLICY CHANGE AND IMPLICATION

Approval of this proposed resolution will expedite MDAD Department procurement of the prescribed services. The proposal limits:

- Duration of the waiver to four (4) years;
- Total (cumulative) amount to \$300,000 over the four (4) year waiver; and
- Maximum of \$25,000 per vendor per event.

IV. ECONOMIC IMPACT

The proposed resolution will have no impact on the County budget because the activities are funded from MDAD proprietary funds.

V. COMMENTS AND QUESTIONS

- At the April 22, 2004 Transportation Committee meeting, this Item was amended to include a requirement for MDAD to obtain prior approval by County Attorney's Office for procurements under the waiver. This added provision is consistent with the similar waivers previously authorized by the BCC for the Seaport Department (R-1095-03) and for the Park & Recreation Department (R-1252-01).
- This resolution may have a scrivener's error that could substantively confuse interpretation of the resolution: On the 1st page of the resolution (handwritten p. 4), in the 6th line of the 2nd paragraph, the semicolon may need to be replaced with a comma so that it reads "General Aviation Airports, following approval by the County Attorney's Office...."

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING THE COUNTY MANAGER TO UNDERTAKE NEGOTIATIONS THROUGH THE PREVIOUSLY APPOINTED NEGOTIATION COMMITTEE WITH THE HIGHEST RANKED RESPONSIVE AND RESPONSIBLE PROPOSER TO RESPOND TO RFP NO. MDAD 02-02 FOR THE CENTRAL TERMINAL RETAIL PROGRAM DEVELOPER AT MIAMI INTERNATIONAL AIRPORT, AND TO SUBMIT A RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS UPON THE CONCLUSION OF THE NEGOTIATIONS; AUTHORIZING THE COUNTY MANAGER TO ADD PERSONS TO THE NEGOTIATION COMMITTEE

Aviation Department

I. SUMMARY

This proposed resolution was amended at the April 22, 2004 Transportation Committee meeting to direct the Miami-Dade Aviation Department (MDAD) and the County Manager to negotiate with the highest ranked, responsive and responsible proposer (Westfield Concession Management, Inc.) for the Miami International Airport (MIA) Central Terminal Retail Program developer contract. However, the County Manager's memorandum accompanying this resolution recommends the BCC reject all bids, as originally submitted to the Transportation Committee on April 22, 2004.

II. PRESENT SITUATION

The County Manager's recommendation to reject all bids is based on:

- An RFP addendum issued by MDAD (without prior consultation with the BCC or Transportation Committee) that limited negotiations with proposers; and
- MDAD concerns that, as explained in the County Manager's memorandum, substantial changes should be made to the terms of the RFP and that, as a result, the County would be better served by reissuing a RFP that combines all three terminals (North, South, and Central) into one future RFP.

III. POLICY CHANGE AND IMPLICATION

The decision of whether to negotiate with the highest ranked, responsive and responsible proposer or to redesign and reissue the RFP is a policy decision. MDAD is being consistent with its original recommendation to reject all bids but could readily respond to BCC direction to resume negotiations as approved by the Transportation Committee.

MDAD has indicated that, if a contract is negotiated as per the Transportation Committee's amendment, there is a high likelihood of bid protests being filed and therefore waiver of bid protests may be recommended when the contract award comes to the BCC.

IV. ECONOMIC IMPACT

The Central Terminal retail concession RFP was for a single developer to operate all facilities. By its nature, only a limited number of firms that qualify as a "developer," leaving out many "prime concessionaires" that would otherwise be interested in bidding on smaller packages of concessions.

MDAD indicates that a new, restructured RFP might generate more revenue than the present RFP.

V. COMMENTS AND QUESTIONS

Pros and cons of issuing award to developer or opening opportunities to prime concessionaires:

Award to developer	Opening opportunities to prime concessionaires
<ul style="list-style-type: none">• Pro: Administrative feasibility good for MDAD	<ul style="list-style-type: none">• Con: Administrative feasibility more difficult because more contracts must be executed and managed by MDAD
<ul style="list-style-type: none">• Pro: Shows County's good faith in awarding highest ranked responsive and responsible bidder	<ul style="list-style-type: none">• Con: All proposers' loose money on expenditures they incurred to submit their good faith proposals
<ul style="list-style-type: none">• Con: Few firms qualify as developers thereby:<ul style="list-style-type: none">○ Decreasing competition which probably lowers potential revenue for MDAD and○ Limiting opportunity for DBE inclusion except as subcontractors	<ul style="list-style-type: none">• Pro: More firms qualify as prime concessionaires thereby:<ul style="list-style-type: none">○ Increasing competition which probably increases potential revenue for MDAD and○ Increasing potential for DBE inclusion as primes

Attachment: #1 Lobbyist Registration List for Westfield Concession Management, Inc.

Attachment #1



REGISTRATION BY PRINCIPAL
Principal: WESTFIELD CONCESSION MANAGEMENT INC



Principal	Subject Matter	Item	Registration Date
CODY, STEPHEN			8/26/2003
Meeting Date: N/A		Item Number: N/A	Legislative Issue: N/A
DE GRANDY, MIGUEL			8/26/2003
Meeting Date: N/A		Item Number: N/A	Legislative Issue: N/A
MAZORRA, NICHOLAS			8/26/2003
Meeting Date: N/A		Item Number: N/A	Legislative Issue: N/A
WALKER, SANDYR.			4/23/2004
Meeting Date: N/A		Item Number: N/A	Legislative Issue: N/A

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO APPROVE CHANGE ORDER NO., ONE TO RETROACTIVELY EXTEND AND ADJUST THE CONSTRUCTION CONTRACT BETWEEN FLORIDA CONSTRUCTION & ENGINEERING INC., AND MIAMI-DADE COUNTY FOR THE REPLACEMENT OF WATER AND SEWER LINES AT NEWBERG APARTMENTS A PUBLIC HOUSING DEVELOPMENT, USHUD ID NO., FL5-03; EXECUTE ANY NECESSARY AGREEMENTS

Miami-Dade Housing Agency

I. SUMMARY

Due to delays reportedly caused by unforeseen circumstances, a change order is retroactively being requested to extend and adjust the construction contract. The original contract was to replace water and sewer lines for the Newberg Apartments, a public housing development located at 7217 NE Miami Court. The original contract amount was for \$930,758.00. This change order will increase the contract by \$257,661.50 for a final contract amount of \$1,188,419.50. The original contract expired on April 29, 2002, and this change order will extend the contract from April 29, 2002 to March 31, 2004.

II. PRESENT SITUATION

According to the item, this change order is being requested due to unforeseen circumstances that resulted in demolition and reconstruction of bathroom walls with metal partitions along with other modifications. According to Attachment B of the item, all parties to this project settled on a change order amount of \$257,661.50, which is intended to release the County from past, current and future claims. Staff indicates that the work described in this item has been completed.¹

II. POLICY CHANGE AND IMPLICATION

This resolution would approve a 27% retroactive increase to the contract price. Additionally, this extends the contract completion date from April 29, 2002 to March 31, 2004.

III. ECONOMIC IMPACT

This would require an increase to the original contract in the amount of \$257,661.50.

IV. COMMENTS AND QUESTIONS

None.

¹ Handwritten Page 4 of the item, however, indicates that the work has not been completed.

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO RELEASE COUNTY LIENS FROM PROPERTY OWNED BY CITYWIDE DEVELOPMENT CORPORATION, INC., FOR PURPOSES OF INFILL HOUSING DEVELOPMENT

Miami-Dade Housing Agency

I. SUMMARY

This resolution will authorize the County Manager to release county liens in the amount of \$75,310 from property owned by Citywide Development Corporation, Inc. The release of lien, pursuant to resolution No. R-432-00, is intended for infill housing development. The liens that are being requested to be waived were acquired prior to the acquisition by Citywide Development, and were levied on 2156 NW 68th Street (folio#30-3115-020-0220). However, one of the liens to be released in the amount of \$8410.00 describes Citywide Development Corp. as the violator, and is located at a different address at 6791 NW 22nd Avenue.¹ Staff, however, indicates that they will be requesting that this citation be removed from the item.

II. PRESENT SITUATION

Citywide Development Corporation has constructed a single family home and the certificate of occupancy has been issued. The item indicates that they have identified a buyer, Anna B. Ladler, a Scott Carver Public Housing Community tenant, and the proposed purchase price is set at \$103,400.00. Staff indicates that the closing date for this proposed sale has not been set, as the title company will not write a title policy with liens on the property. They additionally indicated that the proposed buyer is scheduled to move into the completed dwelling in June.

III. POLICY CHANGE AND IMPLICATION

This resolution would result in the waiver of liens in the amount of \$75,310 for the intended purpose of infill housing. The amount of \$66,900 will be waived from the property located at 2150 NW 68th Street. The remaining amount of \$8410 will be waived from property located at 6791 NW 22nd Avenue, and Citywide Development is described as the violator. However, staff indicates that they will be requesting that this citation will be removed from the item.

IV. ECONOMIC IMPACT

Although \$75,310.00 (\$66,900 when staff removes citation#2002-908435) is to be waived, this single family home will be placed on the tax rolls and will generate income for the County.

V. COMMENTS AND QUESTIONS

None.

¹ Citation#2002-908435 found on Handwritten page 32 of item 7(G)((1)(B).

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING MIAMI-DADE TRANSIT TO SECURE INDEPENDENT, CERTIFIED (MAI, ASA) PROPERTY APPRAISERS TO PERFORM PROPERTY APPRAISALS ON AN AS-NEEDED BASIS, IN ACCORDANCE WITH ESTABLISHED COUNTY APPRAISER SELECTION PROCEDURES, IN AN AMOUNT NOT TO EXCEED A BLANKET AMOUNT OF \$75,000.00

Miami-Dade Transit Department

I. SUMMARY

This resolution request approval authorizing the Miami-Dade Transit Department to secure the services of independent, certified property appraisers, for the purpose of assisting the County in the acquisition of land and right-of-ways necessary for the expansion of the County's Transit System.

II. PRESENT SITUATION

Other County Departments utilize independent appraisers for similar purposes throughout the County. The previous appraiser selection method required that the Board approve each single appraisal assignment.

III. POLICY CHANGE AND IMPLICATION

This resolution would allow the Department to utilize various County approved appraisers under a blanket contract on an as needed basis.

Due to the scope of services need during the expansion of the County's Transit System, this blanket authorization, for a fixed dollar amount, should help to expedite the process of land appraisals and subsequent purchases.

IV. ECONOMIC IMPACT

This contract is for an amount not-to-exceed \$75,000. The department will pay for the services on a site-by-site basis.

Appraisals related to PTP specific projects may utilize Surtax Revenues if approved by the Citizens' Independent Transportation Trust (CITT).

V. COMMENTS AND QUESTIONS

On September 9, 2003, the Board of County Commissioners approved Item 7(S)(1)(E), allowing, what was then, the Office of Public Transportation Management (OPTM) to utilize a blanket contract for up to \$75,000 for property appraisal services.

Why are we doing this again only seven (7) months later?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AMENDING RESOLUTION NO. R-857-03 AUTHORIZING THE FUNDING OF THE TORNADO RELIEF BUSINESS ASSISTANCE PROGRAM IN AN AGGREGATE AMOUNT OF \$309,678 AND SUBSTITUTING \$131,678 OF GENERAL REVENUE FUNDS WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE TORNADO RELIEF PROGRAM AND TECHNICAL ASSISTANCE PROVIDED BY TOOLS FOR CHANGE

Office of Community and Economic Development

I. SUMMARY

This resolution makes revisions to the Tornado Relief Business Assistance Program (TRP). In July the BCC authorized \$500,000 to the TRP for business in the Brownsville area. 12 applications under the TRP have been accepted for a total of \$189,678 with an administrative cost of \$40,000 for a total project cost of \$229,678. This item does not affect the \$100,000 funding to Tools for Change (TFC). The TFC's \$100,000 will be funded \$80,000 in cash and \$20,000 in OCED administrative support.

II. PRESENT SITUATION

23 businesses were expected to benefit from the TRP but as a result of assistance provided by the US Small Business Administration (SBA) only 12 applications have been accepted for a total dollar amount of \$189,678.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

Original	Revised
23 Businesses Expected	12 Businesses Accepted
\$460,000 anticipated	\$189,678 actual
\$40,000 Administrative	\$40,000 Administrative
Admin cost per business = \$1,739.13	Admin cost per business \$3,333.33

V. COMMENTS AND QUESTIONS

- In the original item committed \$500,000 in General Fund Dollars, but that was latter reduce by OSMB to \$178,000. In this case OCED was able to find CDBG dollars to make-up the shortfall but why?
- In this case CDBG funds were available, but what qualifying projects did not get funded by using CDBG instead of General Fund Dollars?
- Are the Administrative Costs reasonable?

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING TARGETED JOBS INCENTIVE FUND (TJIF) FOR BOSTON SCIENTIFIC SYMBIOSIS CORPORATION AS A TARGETED JOBS INCENTIVE FUND PROGRAM BUSINESS PURSUANT TO THE CODE OF MIAMI-DADE COUNTY, FLORIDA, CHAPTER 2, ARTICLE LXXXVI AS MODIFIED BY ORDINANCE NO. 02-251; CONFIRMING THAT THE COMMITMENT OF INCENTIVE AWARDS FOR BOSTON SCIENTIFIC SYMBIOSIS CORPORATION EXISTS; AND PROVIDING AN APPROPRIATION OF UP TO \$231,093 FROM GENERAL REVENUE FUNDS FOR FISCAL YEARS 2005 THROUGH 2010 WITH THE PROVISIO THAT ANY TAX ABATEMENT GRANTED TO BOSTON SCIENTIFIC SYMBIOSIS CORPORATION, UNDER FLORIDA STATUTE 196.1995, REDUCES ANY TARGETED JOBS INCENTIVE FUND INCENTIVE AWARD TO BOSTON SCIENTIFIC SYMBIOSIS CORPORATION, BY THE AMOUNT OF ANY SUCH TAX ABATEMENT GRANTED, AND PROVIDING FOR AN EFFECTIVE DATE

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development is recommends that the BCC approve the attached Targeted Jobs Incentive Fund (TJIF) applications and agreements.

II. PRESENT SITUATION

The Targeted Jobs Incentive Fund (TJIF) is an initiative by The Beacon Council and Miami-Dade County patterned after the State of Florida Qualified Target Industry Tax Refund Program (QTI). The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing cash incentive awards.

III. POLICY CHANGE AND IMPLICATION

None

IV. ECONOMIC IMPACT

AGENDA ITEM	Project Name	New Jobs	New Capital Investment	Miami-Dade New Incremental Tax Revenue Generated	Incentive Award (paid over 6-yr period)	Net Revenue Benefit to Miami-Dade
7K1C	Boston Scientific	120	11,657,000	356,485	231,093	125,392
7K1G	50 State Security	250	3,000,000	129,208	118,750	10,458

V. COMMENTS AND QUESTIONS

None

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RECOMMENDING THAT CONFIDENTIAL PROJECT NO. 04-00245 BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO FLORIDA STATUTES S-288.106, CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT NO. 04-00245 EXIST; AND PROVIDING AN APPROPRIATION OF UP TO \$66,000 FROM GENERAL REVENUE FUNDS AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2005, 2006, 2007, 2008, 2009 AND 2010 OR OVER A TIME PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT NO. 04-00245 APPLICATION WITH THE PROVISIO THAT ANY TAX ABATEMENT GRANTED TO CONFIDENTIAL PROJECT NO. 04-00245 UNDER FLORIDA STATUTE 196.1995 REDUCES ANY QUALIFIED TARGET INDUSTRY TAX REFUND TO CONFIDENTIAL PROJECT NO. 04-00245 BY THE AMOUNT OF ANY SUCH TAX ABATEMENT GRANTED, IN COMPLIANCE WITH FLORIDA STATUTE 288.106(5)9(C); AND PROVIDING FOR AN EFFECTIVE DATE

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development recommends that the BCC approve the attached Qualified Target Industry (QTI) tax refund applications and agreements.

II. PRESENT SITUATION

The Qualified Target Industry (QTI) tax refund program is pursuant to Florida Statutes Section 288.106. The program's intent is to attract relocating out-of-area businesses and encourage expansion of existing local companies by providing a tax refund.

III. POLICY CHANGE AND IMPLICATION

None

ECONOMIC IMPACT

Item	Project Name	New Jobs	New Capital Investment	QTI REFUND			Miami-Dade New Incremental Tax Revenue Generated	County QTI Match	Net Revenue Benefit to Miami-Dade (per Beacon)	Total ROI (per Beacon)
				TOTAL	STATE 80%	COUNTY 20%				
7K1D	Confidential 04-00245	55	2,315,840	330,000	264,000	66,000	94,677	66,000	28,677	1.43
7K1E	Confidential 04-00260	50	492,500	175,000	140,000	35,000	42,171	35,000	7,171	1.20
7K1F	Boston Scientific	120	11,657,000	360,000	288,000	72,000	356,485	72,000	284,485	4.95

BCC ITEM 7(K)(1)(D), 7(K)(1)(E), 7(K)(1)(F)

May 11, 2004

ROI – Return on Incentive Investment equals Miami-Dade New Tax Revenue Generated divided by the County's match.

The funding for the Miami-Dade County portion of the QTI shall come from the County's General Fund.

IV. COMMENTS AND QUESTIONS

None

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL FOR THE TRANSITION OF MUNICIPAL SERVICES; AUTHORIZING THE COUNTY MANAGER TO EXECUTE THE AGREEMENT, TAKE ANY ACTION REQUIRED OF THE COUNTY HEREIN AND EXERCISE ANY RENEWAL AND CANCELLATION PROVISIONS THEREIN

Office of Strategic Business Management

I. SUMMARY

This resolution will approve the Specialized Police Services, Local Patrol Police Services, and Master Interlocal Agreement between the County and the City of Doral.

II. PRESENT SITUATION

The City of Doral was approved by elector on June 24, 2003 with the Municipal officials having been elected July 22, 2003. The County and City began negotiating the Interlocal Agreement shortly after the City Manager was selected. On April 9, 2004 the City approved the Interlocal through Resolution.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

The Specialized Police Services Interlocal will result in a first year payment to the County of zero (\$0). Specialized Police Services is a countywide service and in order to avoid double taxation, a credit is provided based on a formula used for all incorporations. In this case because the CW credit exceeded the average cost of services used the payment was \$0.

The Master Interlocal should have no Fiscal Impact since the City will pay for services provided by the County between June 24, 2003 and September 30, 2004 unless extended upon request of the City.

V. COMMENTS AND QUESTIONS

- Two six month renewals are allowed under the Interlocal Agreement.
- This Inter Local only applies to Planning and Zoning, Public Works, Team Metro, and the Parks and Recreation Department.
- Excluded from these Interlocal Agreements are Library, Fire Rescue, Water & Sewer, and Solid Waste

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXCHANGE AGREEMENT WHICH PROVIDES FOR AN EASEMENT TO THE CITY OF NORTH MIAMI BEACH FOR THE INSTALLATION AND MAINTENANCE OF WELLS IN NORWOOD PARK AND ACCEPTANCE OF DEED FOR LAND OWNED BY THE CITY OF NORTH MIAMI BEACH WITHIN SCOTT PARK; AND AUTHORIZING THE COUNTY MANAGER AND MAYOR TO ACCOMPLISH THE SAME THEREIN

I. SUMMARY

This resolution approves an easement with the City of North Miami Beach for the installation and maintenance of wells in Northwood Park and acceptance of a Quit Claim Deed by the County for land owned by the City within Scott Park.

II. PRESENT SITUATION

Presently, the City of North Miami Beach owns and operates a water production facility in North Miami-Dade County, serving North Miami Beach, the City of Miami Gardens, and unincorporated areas.

III. POLICY CHANGE AND IMPLICATION

The City of North Miami Beach has requested an easement which would allow them to install wells at Norwood Park. In exchange for the easement, the City will give the County a 0.1 acre parcel of land completely within Scott Park. The land is currently maintained by the County but has never been acquired by the County. The acquisition is part of an effort to convey all the land currently used and maintained in Scott Park to Miami Gardens.

IV. ECONOMIC IMPACT

There should be no economic impact to the County.

V. COMMENTS AND QUESTIONS

The County has presented this item to the Miami Gardens Council on a public hearing forum. No public objection was noted. The Council passed a resolution showing support and encouraging the County to proceed. In addition, the RCA Committee passed the Item favorably with a 4-0 vote.

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING PARK AND RECREATION DEPARTMENT TO UTILIZE UNEXPENDED COMMUNITY BASED ORGANIZATION GRANTS AND ALLOCATIONS FROM FY 96-97 THROUGH FY 02-03 IN AMOUNTS NOT TO EXCEED \$17,861 IN PROGRAMMING FUNDING AND \$6,187 IN PARK CAPITAL IMPROVEMENTS FUNDING

I. SUMMARY

This resolution recommends authorizing the Park and Recreation Department to utilize the unexpended balances of the competitively-awarded Community Based Organization grants.

II. PRESENT SITUATION

At the present time there are 15 programming grants with remaining funds of \$17,861 and 6 capital improvement grants with remaining funds of \$6,187.

III. POLICY CHANGE AND IMPLICATION

This resolution will allow the Parks Department to utilize unexpended CBO grant funds. The unexpended programming grant funds will be used for purchases of park equipment and supplies. The capital improvement grant funds will be used for the following:

- the required technical review to identify regulatory, technical, logistical challenges and restrictions of potential grant projects during the RFP process
- financial support for under funded CBO grant projects when the project completion is not possible due to unforeseen requirements and increased costs

IV. ECONOMIC IMPACT

- 15 programming grants totaling \$17,861
- 6 capital improvement grants totaling \$6,187

V. COMMENTS AND QUESTIONS

None.

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPROVE A SUBLEASE AGREEMENT BETWEEN WESTREC EQUITIES, INC. AND E. L. STATION, CORPORATION FOR THE MARINE REPAIR OPERATION AT THE HAULOVER MARINE CENTER LOCATED AT HAULOVER PARK AND MARINA

I. SUMMARY

This resolution authorizes the County Manager to approve a sublease agreement between Westrec Equities inc. and E. L. Station Corporation for the Marine Repair operation at Haulover Marine Center.

II. PRESENT SITUATION

1988: A lease agreement was awarded to Gold Coast Racks, Inc. for the development and operation of a boat storage facility and related activities at Haulover Beach Park.

1995: The first amendment to the lease which provided for assignment and amendment of the lease to Westrec Equities, inc. in accordance with a bankruptcy court ruling was approved.

2000: The third amendment of the lease agreement approved the sub-lease of the marine repair facility to James Thomas Parise.

III. POLICY CHANGE AND IMPLICATION

This resolution is requesting authorization from the Board to sublet the marine repair facility to a different sub-lessee named E.L. Station Corporation. The sub-lease requires the same reporting information and percentage of gross receipt payment as required in the master lease. The contract is for one year unless extended or terminated earlier.

IV. ECONOMIC IMPACT

The County shall receive 3% of monthly gross receipts from all sales of supplies services and repairs on the tenth day of the month following. Rent is \$2,000 per month payable to Westrec in advance on the first of each calendar month.

V. COMMENTS AND QUESTIONS

None.

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN EMPLOYEE MEDICAL ASSESSMENT TESTING, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFP NO. 429

Procurement Management Department

I. SUMMARY

This authorizes advertisement of *RFP No. 429 Employee Medical Assessment Testing*. Selected firm(s) will provide various employment physical examinations for County employees and job applicants. To ensure ease and accessibility to examinees, the County may award contracts in three geographical areas. The price proposal is expected to be a price per test (negotiated).

Contract amount estimate:	\$1.5 million per year
Funding source:	General Fund (Employee Relations Department) ¹
Contract period:	3 years with 3 one-year OTR at County's sole discretion
Measures:	None recommended by the Review Committee

II. PRESENT SITUATION

The current provider of this service is Mount Sinai Medical Center in Miami Beach², who was awarded the contract based on an Invitation to Bid.

The current contract originally would have expired on April 30, 2004, but was extended to Dec. 2004 to ensure the RFP process was completed. According to the Employee Relations Department, an Invitation to Bid was being prepared in anticipation of the April 30, 2004 contract end; however, due to specific requirements of the Medical Assessment Programs and to have a more detailed evaluation and selection process, a RFP was pursued instead.

III. POLICY CHANGE AND IMPLICATION

An RFP is being used to replace the current contract (instead of doing another Invitation to Bid) to ensure that all selected vendors meet the County's service requirements. An Invitation to Bid is awarded to the lowest bidder, while the RFP provides for a more detailed evaluation and selection process.

¹ Proprietary departments reimburse ERD (the General Fund), where applicable.

² There is also a satellite office in South Miami. In the past, there were other testing locations as well.

May 11, 2004

IV. ECONOMIC IMPACT

The cost estimate of \$1.5 million annually (paid from the Employee Relations Department budget) is based on previous year expenses and anticipated growth by user departments, especially that of Transit, Police and Corrections. For the current year, the County is expected to incur approx. \$976,000 in services.³

V. COMMENTS AND QUESTIONS

Jackson Memorial Hospital (JMH) has been approached about providing the services of this RFP in the past, but has declined, in part due the volume of testing that would be involved. However, JMH can submit a proposal if it chooses at this time.

The County User Access Program language is in Section 1.36 of the RFP (handwritten page 19).

³ Projection based on usage of \$244,115 for Jan. 2004 – March 2004.

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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SOFTWARE TECHNIQUES, INC. TO PROVIDE FOR THE DELIVERY/INSTALLATION AND MAINTENANCE OF A COMPUTER AIDED MASS APPRAISAL SYSTEM ("C.A.M.A."), AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY TERMINATION AND OPTION TO RENEW PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN. CONTRACT NO. 225

Procurement Management Department

I. SUMMARY

This resolution authorizes award of *RFP No. 225 Computer Aided Mass Appraisal System* to Software Techniques, Inc.

Contract amount:	\$11,141,366 over 5 years
Funding Source:	Capital Outlay Reserve Fund (budgeted)
Contract period:	6 ½ years (18 months for implementation, 5 years of maintenance and support) with one five-year OTR at County's sole discretion
Measures:	None were recommended by the Review Committee due to insufficient availability.

II. PRESENT SITUATION

Constant growth and change in cities place unprecedented demands on assessors to maintain accurate, up-to-date and instantly available information on thousands of properties. As a result, jurisdictions of all sizes are turning to the use of modern CAMAs. A Computer Aided Mass Appraisal System (CAMA) has been developed by many different vendors, of which Software Techniques, Inc. (STI) is one. The CAMA is basically a set of software applications that supports and simplifies assessing functions, which will result in more accurate and accessible property assessments. CAMA systems generally provide for easy data entry and display of data, user update of land tables, cost indexes, and market models; on-line calculation and updating of values; on-line printing of reports; and other capabilities.

This RFP was advertised in Jan. 2001 and standard procurement activities followed. A total of 7 proposals were received. According to the Property Appraisal Department (PA), the impact of the 9-11 terrorist attacks on the economy and the property markets required the full attention of the PA through Jan. 2003. In early Feb. 2003, negotiations began with the highest ranked proposer, STI. STI had the highest technical score and came in second on price. The negotiations (which required participation of other departments) continued until an agreement was reached on Mar. 18, 2004. PA indicates that, as a result of negotiation, the County was able to get more services for no additional cost.

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Reference checks in the form of a questionnaire sent to other STI clients of comparable size to Miami-Dade County were done and incorporated into the technical score. The questionnaire was designed to ascertain the performance of STI on CAMA projects and customer satisfaction with the products and services. Other counties using Software Techniques, Inc. for their CAMA system include Hillsborough County, FL (385,000 parcels); Harris County, TX (1.7 million parcels); Potter-Randall, TX (110,000 parcels); and Highlands County, FL (110,000+ parcels).¹ According to the PA, Miami-Dade County had approx. 860,000 parcels on the 2003 tax roll. This number grows at the rate of 8,000 to 10,000 per year.

III. POLICY CHANGE AND IMPLICATION

Many large and small counties in Florida have "modern" CAMA systems or are in the process of acquiring a new system. The PA's existing system has significant limitations in areas of taxpayer communication (i.e. paper building sketches, handwritten appraisal notes, Polaroid property photographs, etc.), work flow efficiencies, and valuation tools. The system will enable a more efficient and accurate assessment of the tax roll. In addition, due to the Department of Revenue requirements for greater accuracy and equity in tax roll preparation, this system will enable the County to meet the increasingly higher standards in the future.

The system will be proprietary and maintenance services provided by STI (after the contract ends) will be optional. Based on the proposed contract, the County will own the software (including source code) and will have the right to maintain the software with County staff. However, in order to continue to receive "product updates", the County will have to continue the Basic Maintenance Services with STI.

IV. ECONOMIC IMPACT

The breakdown of the total contract cost (paid from the Capital Outlay Reserve Fund) is as follows:

Implementation (including software, licenses, rights to source code configuration of software, data conversion, project management, system interfaces, hardware and training) ²	\$ 7,117,224
System maintenance and support (for a five year period)	<u>4,024,142</u>
Total	\$11,141,366

The original cost estimate at the time of advertisement was \$500,000 to \$1,000,000, but certain implementation costs were higher than originally estimated and maintenance costs were not included.

¹ From Software Techniques, Inc. website www.customcama.com Harris County is the second largest appraisal district in the nation.

² License software cost alone is \$1.3 million.

May 11, 2004

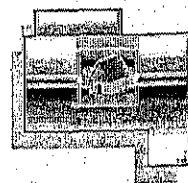
V. COMMENTS AND QUESTIONS

According to the PA, assuming a start date of June 2004 and no unanticipated delays, the 2006 tax roll would be the first produced by the STI CAMA system. It is expected that relative accuracy and equity would improve immediately.

STI was founded in 1987 and started focusing on CAMA systems in 1995. Its corporate headquarters is in Winter Park, Florida. According to the proposed contract, STI will have a support person available full-time on site for at least two years after the system is functional. See attached for an overview of STI and its products.

CUSTOMCAMA™

COMPLETE SOLUTIONS



The most *dynamic* CAMA system available.

CUSTOMCAMA, the only completely customizable CAMA solution on today's market, offers an abundance of tailored solutions to government property appraisers.

Other CAMA providers offer traditional, off-the-shelf solutions, which are designed to meet county property appraisers' current needs, with whatever technology is available. As the technology becomes more advanced and additional features are introduced to the marketplace, property appraisal offices are forced to pay a la carte for these upgrades. This either becomes very expensive or leads to antiquated software, and a need for a complete new system down the road.

By creating CUSTOMCAMA, the team at Software Techniques, Inc. (STI) sets itself apart in the crowded CAMA industry. CUSTOMCAMA COMPLETE SOLUTIONS provides not only the most advanced, comprehensive set of applications, but offers unlimited client support and solution upgrades to help clients continue to exceed the current demands of the taxpayers, virtually eliminating the possibility of technical breakdown in the future.

AND HERE ARE THE DETAILS ON HOW YOU'LL SAVE MONEY

Seamless integration

More than 250 customized system features

More applications to help your entire office

Tailored system specific areas at your request

The latest in GIS technology integrated into the applications

Constant state-of-the-art technology year to year, without expensive upgrade fees

Ability to customize all applications to work as your needs change

Unlimited product updates directly to your system

A quarterly newsletter, outlining the latest information that affects the property appraisal industry



CUSTOMCAMA, at its core, includes your choice of applications from the CAMATOOLS PRODUCT SOLUTIONS. It also encompasses the ability to request modifications to over 250 features within your new system at any time, without incurring extra costs. This greatly reduces future spending on new CAMA software, and enables property appraisal offices to accurately budget for their annual CAMA technology investment.

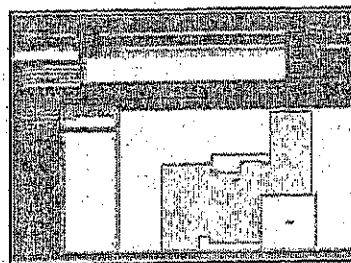
With CUSTOMCAMA there's no need to ever issue another RFP—saving valuable personnel hours researching new tools. And, our online newsletter keeps clients informed of the latest trends in the appraisal industry. Our customized "clients only" area within our Website retains the newest updated product information relative to each member, so instead of investing your money into research, take advantage of ours.

The entire CUSTOMCAMA system is seamlessly integrated, and our abundance of products work together, enabling our clients to maximize their efforts to accomplish their tasks.

When our clients purchase CUSTOMCAMA, they are investing in their future. They are purchasing the outstanding commitment and service that Software Techniques has built the company around. And that unlimited service equates to continuous upgrades, which equal constant state-of-the-art technology for the best return on investment available in the CAMA market.

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May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS FOR AND ON BEHALF OF MIAMI-DADE COUNTY TO OBTAIN OPERATIONS AND MAINTENANCE OF CONCESSION FACILITIES & RETAIL SALES AT METROZOO, TO EXERCISE ANY CANCELLATION AND RE-ADVERTISEMENT PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN RFP NO. 384

I. SUMMARY

This resolution is a request to advertise for a RFP for the operations and maintenance of concession facilities and retail sales at Miami Metrozoo.

II. PRESENT SITUATION

Presently, Miami Metrozoo has 3 food concession locations with adjacent outdoor eating areas and 3 gift shop locations. Toby's Frozen Lemonade operates the concessions under a one year permit expiring October 31, 2004. In addition, the Zoological Society of South Florida operates retail facilities under an agreement that extends to November 18, 2006. Should a determination be made that a new concessionaire provide Gift and Novelty Concession services, the Society would have to relinquish its rights to the existing agreement. The Zoological Society of South Florida has already agreed to do so if the RFP yields a high quality concessionaire that can improve the performance of gift and novelty sales at the zoo.

III. POLICY CHANGE AND IMPLICATION

This RFP is recommended to be issued to obtain proposals from qualified firms to provide concession services and retail sales at Miami Metrozoo. The term of the contract is five years with two two-year options to renew exercised at the sole discretion of the County. The selected proposer will be required to purchase existing retail inventory owned by the Zoological Society of South Florida under terms and conditions to be finalized during the contract negotiation period. In addition, the proposer will be required to provide all furnishings, fixtures and equipment necessary for this operation.

IV. ECONOMIC IMPACT

It is estimated that the concession services should generate \$350,000 annually.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

***RESOLUTION APPROVING CHANGE ORDER NO. ONE (UNILATERAL) TO
THE CONTRACT WITH M. VILA & ASSOCIATES, INC. FOR SW 97TH AVENUE
FROM SW 40TH STREET TO SW 8TH STREET***

Public Works Department

I. SUMMARY

This resolution authorizes the approval of Change Order No. 1 (Unilateral) Project No. 610040 issued to M. Vila & Associates, Inc. by Public Works Department (PWD).

II. PRESENT SITUATION

M. Vila & Associates, Inc. was awarded Project No. 610040 to enhance a three-lane roadway with an additional enhanced four-lane intersection, which include left turn lanes, storm drainage, sidewalks, curbs and gutters, traffic signals, pavement markings, and other enhancements near SW 16th Street.

While M. Vila & Associates, Inc. was constructing in the area, unknown circumstances (utility conflicts, necessary design changes to accommodate unexpected field conditions and adverse weather) caused the contractor to postpone the work. Unpredictable utility conflicts included replacement of fiber optic cables at the intersection of SW 97th Avenue and SW 16th Street. Modification of the design include 1) revision to the sixteen drainage structures to accommodate changes in swale grade; 2) modification to the roadway design plans at SW 97th Avenue between SW 16th Street and SW 15 Street, and ; 3) modifications to the back sidewalk elevation at various locations to accommodate adequate ingress/egress to private property.

Additionally, the contractor has not commenced the construction in or around the bridge as indicated in the original schedule. The contractor, M. Vila & Associates, Inc., requested that the subcontractor they recommended be substitute. The request was denied, as M. Vila provided dissimilar reasons for substituting the subcontractor. On August 14, 2002, attorneys on behalf of M.Vila & Associates, Inc. submitted a "Letter of Unavailability" from the subcontractor.

Currently, the Change Order is classified as Unilateral since the contractor is unwilling to adhere to the recommendation by PWD in the number of days to extend the contract. According to staff, M.Vila & Associates, Inc. requested a 390 days extension with-out sufficient back-up documentation.

III. POLICY CHANGE AND IMPLICATIONS

The Change Order does the following:

Increase contract time for unanticipated work to March 13, 2004. (194 days past original contract completion date of September 1, 2003).

IV. ECONOMIC IMPACT

The actual economic impact to the County has not been determined. However, each day that an existing contract has passed the contract-end-date, he or she may be liable to daily liquidated damages set forth per the contract and/or County policy.

V. COMMENTS AND QUESTIONS

It has become popular on County projects to recommend extension of time and/or increase the total cost with Change Orders. Many of these extensions and increases to cost are blamed on unforeseen circumstances, omission errors and design error. Without a doubt it is not possible to anticipate additional conditions during construction projects.

Some may argue that the County should set new safeguards and reinforce contractual duties for existing/new contracts. If a firm is unable to provide the goods and services specified on the contract and/or has deviated from the established procedures as set forth in a County contract, the contractor should be fined or debarred from doing business with the County. Currently, firms with existing County contracts, blame their delays on unforeseen circumstances, omission errors and design errors.

Are there any penalties and/or sanctions reported for M. Vila & Associates, Inc. in the past five years?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS AND RETROACTIVE APPROVAL OF CHANGE ORDER NO. ONE TO THE CONTRACT WITH A NATIVE TREE SERVICE, INC. FOR ANNUAL ROADSIDE TRACTOR MOWING CONTRACT NO. 2 – ZONE C (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 621463)

Public Works Department

I. SUMMARY

This resolution authorizes the waiver of the competitive bidding process and seeks the approval of Retroactive Change Order No. One between **A Native Tree Service, Inc.** and Miami-Dade County for roadside tractor mowing services throughout Miami-Dade County.

II. PRESENT SITUATION

A Native Tree Service, Inc. was awarded Project No. 621463 for roadside tractor mowing including litter pick up, edge trimming, clearing and grubbing, and other miscellaneous landscape maintenance services, adjacent to improved County roads at various locations throughout the County.

While A Native Tree Service, Inc was mowing and picking up litter and other miscellaneous landscape maintenance services, National Landscaping, Inc. went out of business for zones A and B. During this time, S.P.E.C. Inc. and A Native Tree Service, Inc. were offered zones National Landscaping, Inc. serviced. S.P.E.C. Inc. declined the contract and Public Works Department (PWD) awarded the project to A Native Tree Service, Inc.

III. POLICY CHANGE AND IMPLICATIONS

Change Order No. One will increase the contract amount by \$316,800.00 and extend the contract completion date until June 9, 2004.

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IV. ECONOMIC IMPACT

The original contract amount was agreed upon by (PWD) to be:

\$225,562.21 for Zone A; \$180,125.41 for Zone B; \$115,023.55 for Zone C; \$264,125.51 for Zone D; \$236,339.82 for Zone E; \$197,209.65 for Zone F; and \$112,613.84 for Zone G.

The combined project total is \$3,993,000.00 for three years for all seven zones.

According to (PWD), increasing the original contract amount should cover compensation for A Native Tree Services, Inc. for work performed since December 2003 and provide continuity of service for six months or until a new contract is available for zones A, B and C.

Original Contract Amount:	\$345,070.65
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Change Order No. One:	\$316,800.00
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Adjusted Contract Amount:	\$757,162.58
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Percentage increase:	(+) 119.42%
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V. COMMENTS AND QUESTIONS

Some Commissioners have been hesitant to approve waiving the competitive bidding process, with the hope that the competitive bidding process is reflective of the diverse work force in our community. There may be a public perception problem that arises from circumventing the competitive bidding process. Nevertheless, some may argue that the County is excluding certain segments of the community from receiving County contacts.

According to staff, the change order process took longer than expected. Subsequently, since December 2003 there was service rendered by **A Native Tree Service, Inc.** in Zone C.

During the GOE Committee, certain commissioners raised concerns that there was significant amount of time used to formulate the new solicitation language. According to staff, "in the new solicitation for these services, advertised on May 4th, and scheduled to open on June 16th, DPM and PWD have worked collaboratively to develop a method of award which allows for awards to the low bidder by zone. The desire is to offer opportunities to spread the county's work to up to five vendors performing these services."

Some may argue that the County should set new safeguards and reinforce contractual obligations for existing/new contracts. Currently, firms with existing County contracts, blame their delays on unforeseen circumstances, omission errors and design errors. However, in certain circumstances, it is not possible to anticipate additional conditions when bidding construction projects.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF FOUR TRIPARTY PRE-EMPTION AGREEMENTS AMONG MIAMI-DADE COUNTY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FLORIDA EAST COAST RAILWAY, LLC AND CSX TRANSPORTATION, INC. FOR THE SYNCHRONIZATION OF RAILROAD CROSSING DEVICES AND TRAFFIC SIGNALS AT FOUR LOCATIONS

Public Works Department

I. SUMMARY

This resolution authorizes the approval of four Tri-Party Pre-Emption Agreements. Two of these agreements are among Miami-Dade County, the State of Florida Department of Transportation, and Florida East Coast Railway, LLC. The other two agreements are among Miami-Dade County, the State of Florida Department of Transportation and CSX Transportation, Inc.

II. PRESENT SITUATION

The traffic signals at the intersections and the railroad crossing devices (flashing lights and gates) currently operate independently from each other. The attached agreements provide for synchronization of the traffic signals and the railroad crossing devices at those locations to avoid the presence of vehicles on the railroad tracks when trains are approaching.

The Florida Department of Transportation will pay for Florida East Coast Railways, LLC and CSX Transportation, Inc., to physically connect the traffic signals and railroads crossing devices and Miami-Dade County will synchronize their operations and maintain the physical interconnection from the pull-box at the crossings to the signal at the intersections.

III. POLICY CHANGE AND IMPLICATIONS

Miami -Dade County will potentially be liable for any damages including injuries or accidents due to a malfunction or lack of maintenance of the connection from the pull box at the crossings to the traffic signals.

IV. ECONOMIC IMPACT

Funding is identified under the Secondary Gas Tax.

V. COMMENTS AND QUESTIONS

Background:

State of Florida Department of Transportation, called the "Department"

Florida East Coast Railway, LLC, called the "Company"

Miami-Dade County, called the "County"

1. THE COMPANY, at DEPARTMENT'S expense, will furnish a preemption synchronization circuit hereafter called "synchronization devices" to a common cable junction box.
2. The DEPARTMENT, at its expense, will install or have installed all cable, circuitry and related equipment, required to operate the highway devices in a coordinated and synchronized manner; will provide the connecting cable from the highway devices to the common cable junction box with sufficient cable to be connected to terminals in the railroad's control case and will configure the preemption circuit with its system whereby a failure of the highway devices will not cause an unsafe condition. All work to be in accordance with the "Specifications for Installation of Traffic Signal Synchronization Along Florida East Coast Railway right of way" appended hereto as Exhibit B and by this reference made a part hereof.
3. The DEPARTMENT, at its expense, will install or have installed a cable to provide 120 volts of ac power to the COMPANY'S control case for operation of the crossing devices and it's synchronization circuits.
4. The common cable junction box and all inter-connecting cables shall be deemed the property of the COUNTY; and shall be maintained by the COUNTY.
5. The DEPARTMENT, at its expense, will construct, and the COUNTY, will upon final acceptance of the installation, operate and maintain the highway devices and agrees to give the COMPANY sufficient notice prior to making any changes in the operation thereof which, in any way, might affect the coordination features of the crossing devices. In the event said highway devices, and/or coordinating facilities of the COUNTY become inoperative, COUNTY will notify railroad and restore or repair such devices and/or facilities promptly, and use other means including, traffic control personnel or law enforcement personnel to control the flow of traffic at the traffic signal locations at any time the Highway Devices or pre-emption are inoperative so as to clear the highway/railroad grade crossing before the approach of trains.
6. The COMPANY, at the COUNTY'S expense, will operate and maintain the crossing devices and likewise agrees to give the COUNTY sufficient advance notice prior to making any changes in the operation thereof which, in any way, would affect the coordination features of the COUNTY highway devices. In the event said crossing device, and/or coordination facilities of the COMPANY become inoperative, COMPANY will notify COUNTY and restore or repair such devices and/or facilities promptly.
8. The cost of any adjustment, relocation of cable, circuitry, and related equipment, upon written notice from the COMPANY, that the relocation is necessary due to railroad operations, including, but not limited to, track relocation, maintenance, or replacement, or because of changes or additions to the COMPANY'S train control signals or communication equipment, shall be borne by the COUNTY.

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*Under the mutual undertaking, The "Company" (Florida East Coast Railway, LLC) will furnish circuit devices called **synchronization devices** to a common cable junction box. The "Department" (State of Florida Department of Transportation) will install all cables, equipment, connect cables to operate the highway devices, connect cables to the common case and will configure the preemption circuit with its system.*

All work done by the State of Florida Department of Transportation the "Department" will be in accordance with specifications provided by the Florida East Coast Railway the "Company." Additionally, the "Department" will install a cable to provide 120 volts of ac power to the "Company's control case for operation of the crossing devices and the synchronization circuits.

If the "Company" and the "Department" are working together to address major undertakings as set forth above, why should the "County" be liable or accept final invisible conditions "as adequate under the specification set forth by the Florida East Coast Railway, LLC."

The County is not included in the process (major installation of circuitry) connection of devices and synchronization of equipment. Under paragraph 5., the language indicates that the "County" will accept installation, operate and maintain the highway devices. Furthermore, the "County" will restore or repair such devices and/or facilities promptly. Some may argue that County departments are at risk under this agreement, as the County did/will not participate in the initial installation and/or synchronization of equipments. Avoidance of this "hidden" risk demands certain measures that should be undertaken to avoid or minimize such liability.

All identities involved in this agreement should follow certain steps to consider the agreement effective:

- 1. All identities involved in the "Railroad Reimbursement Agreement" must have compliance standards and procedures to be followed by all parties that are reasonably capable of reducing the prospect of liability to one identity.**
- 2. Establish within the agreement overall responsibility to one identity to oversee compliance with standards and procedures in all aspects of the installation and synchronization of equipments.**
- 3. The Florida East Coast Railway, LLC must have "due care" not to delegate significant responsibilities to County and the State of Florida Department of Transportation officials who may have individuals that do not understand the purpose and scope of work.**

4. The Florida East Coast Railway, LLC must take reasonable steps to ensure compliance and enforce standards in the specifications submitted to the State of Florida Department of Transportation.

Issues involving the impact of safety are paramount throughout the County.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DECLARING THE ACQUISITION OF A CONCRETE BRIDGE, CROSSING THE TAMIAMI CANAL (C- 4), AT SW 137 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZED THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS AND EXPERT WITNESSES, OBTAIN REQUIRED ENVIRONMENTAL AUDITS, AND ACQUIRE THE CONCRETE BRIDGE AT VALUES ESTABLISHED BY THE APPRAISALS OR BY EMINENT DOMAIN PROCEEDINGS; INCLUDING A DECLARATION OF TAKING NECESSARY

Public Works Department

I. SUMMARY

This resolution seeks approval for the Public Works Department (PWD) to attain a privately owned concrete bridge, crossing the Tamiami Canal (G 4), at SW 137 Avenue including the deck together with all abutments, footings, pilings and other structures. This will be necessary for the expansion of West 137 Avenue, from SW 8 Street to NW 12 Street.

The County Manager and County Attorney affirms to employ appraisers and expert witnesses, obtain required environmental audits, acquire the subject concrete bridge at values established by the appraisals or by eminent domain proceedings, including a declaration of taking as necessary.

II. PRESENT SITUATION

The Public Works Department (PWD) acquired the necessary parcels in and around the area for the road improvements from the north side of the bridge to NW 12 Street along West 137 Avenue. Eventually, certain parts of the bridge will be demolished and the construction of a nine lane bridge will be completed over the same location at Tamiami Canal (C-4).

The existing bridge will be arranged for traffic flow for a period of twelve to eighteen months as the partial construction of the new bridge is completed.

The proposed new bridge will have the following

- connection to the future West 137 Avenue;
- consisting of six-lane roadway; and

BCC ITEM 7 (P) (1) (F)
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- raised/painted median including curb and gutters, sidewalks, storm drainage system, pavement markings, signage, roadway lighting, signalization, and culvert crossing over the Mudcreek Canal.

III. POLICY CHANGE AND IMPLICATIONS

According to the language on this item, the County will have authority to proceed with the use of a *Declaration of Taking* "Quick Taking" in order for the construction to proceed as scheduled. If needed, under the "Quick Take" proceedings, the County is committed to acquire the properties at a price established by jury trial.

IV. ECONOMIC IMPACT

There is no specific dollar amount established by staff for the proposed new bridge project. Also, there is no funding source identified for this project.

V. COMMENTS AND QUESTIONS

Please let me know if the property owner has any objections to this? No

Has the commissioner from the district been notified? Yes If so, are there any objections/concerns from Commissioner Diaz? No

Were there any costs associated in acquiring the parcels for the roadway improvements from north side of the bridge to NW 12 street along 137 ave?
Yes, so far \$1.5 M – more to come.

Will PTP funds be used for any part of this project? No

Please identify the funding source for this project?
County w/ reimbursement for FDOT

If possible, please provide an approximate completion date.
Entire 137 Avenue project – 2 to 3 years

If possible, please let me know how much will the County pay to acquire the concrete bridge?

It is being appraised – negotiated price approximately (\$200,000)

In what condition (structural) is the bridge in? Good condition

Will there be any CSBE goals?
MDX construction contract

Please let me know how many lanes does the existing bridge have?2 Also, will
all the lanes be used during the 12 to 18 months while the new bridge is
finished? Yes

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS
AND RETROACTIVE APPROVAL OF CHANGE ORDER NO. ONE TO THE
CONTRACT WITH A NATIVE TREE SERVICE, INC. FOR ANNUAL ROADSIDE
TRACTOR MOWING CONTRACT NO. 2 – ZONE E (MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT PROJECT NO. 621463)*

Public Works Department

I. SUMMARY

This resolution authorizes the waiver of the competitive bidding process and seeks the approval of Retroactive Change Order No. One between **A Native Tree Service, Inc.** and Miami-Dade County for roadside tractor mowing services throughout Miami-Dade County.

II. PRESENT SITUATION

A Native Tree Service, Inc. was awarded Project No. 621463 for roadside tractor mowing including litter pick up, edge trimming, clearing and grubbing, and other miscellaneous landscape maintenance services, adjacent to improved County roads at various locations throughout the County.

While A Native Tree Service, Inc.. was mowing and picking up litter and other miscellaneous landscape maintenance services, National Landscaping, Inc. went out of business for zones A and B. During this time, S.P.E.C. Inc. and A Native Tree Service, Inc. were offered zones National Landscaping, Inc. serviced. S.P.E.C. Inc. declined the contract and Public Works Department (PWD) awarded the project to A Native Tree Service, Inc.

III. POLICY CHANGE AND IMPLICATIONS

Change Order No. One will increase the contract amount by \$123,750.00 (+) 17.45% and extend the contract completion date until June 9, 2004.

BCC ITEM 7 (P) (1) (G)
MAY 11, 2004

IV. ECONOMIC IMPACT

The original contract amount was agreed upon by (PWD) to be:

\$225,562.21 for Zone A; \$180,125.41 for Zone B; \$115,023.55 for Zone C;
\$264,125.51 for Zone D; \$236,339.82 for Zone E; \$197,209.65 for Zone F; and
\$112,613.84 for Zone G.

The combined project total is \$3,993,000.00 for three years for all seven zones.

According to (PWD), increasing the original contract amount should cover compensation for A Native Tree Services, Inc. for work performed since December 2003 and provide continuity of service for six months or until a new contract is available for zones A and B.

Original Contract Amount:	\$709,019.46
Change Order No. One:	\$123,750.00
Adjusted Contract Amount:	\$836,415.45
Percentage increase:	(+) 17.97%

V. COMMENTS AND QUESTIONS

Some Commissioners have been hesitant to approve waiving the competitive bidding process, with the hope that the competitive bidding process is reflective of the diverse work force in our community. There may be a public perception problem that arises from circumventing the competitive bidding process. Nevertheless, some may argue that the County is excluding certain segments of the community from receiving County contacts.

According to staff, the change order process took longer than expected. Subsequently, since December 2003 there was service rendered by A Native Tree Service, Inc. in Zone E.

During the GOE Committee, certain commissioners raised concerns that there was significant amount of time used to formulate the new solicitation language. According to staff, "in the new solicitation for these services, advertised on May 4th, and scheduled to open on June 16th, DPM and PWD have worked collaboratively to develop a method of award which allows for awards to the low bidder by zone. The desire is to offer opportunities to spread the county's work to up to five vendors performing these services."

Some may argue that the County should set new safeguards and reinforce contractual obligations for existing/new contracts. Currently, firms with existing County contracts, blame their delays on unforeseen circumstances, omission errors and design errors. However, in certain circumstances, it is not possible to anticipate additional conditions when bidding construction projects.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF A TRI-PARTY AGREEMENT AMONG MIAMI-DADE COUNTY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FLORIDA EAST COAST RAILWAY CO., LLC, AND CSX TRANSPORTATION, INC. FOR THE INSTALLATION OF RAILROAD CROSSING PROTECTIVE DEVICES AT FOUR LOCATIONS

Public Works Department

I. SUMMARY

This resolution recommends the authorization of a four Tri-Party Agreement among Miami-Dade County, the State of Florida Department of Transportation, Florida East Coast Railway Co., LLC (FEC) and CSX Transportation, Inc. for the installation and maintenance of the railroad crossing protective devices at four locations.

II. PRESENT SITUATION

Miami-Dade will participate in the improvement and maintenance of the railroad crossing devices under the Federal 90% and State 10% Matching Funds Program.

The Federal Aid Highway Safety Act established on 1973 and 1976 allocated funds to be utilized for rail-highway grade crossing protective devices at crossings on Non-Federal Aid routes.

Miami-Dade will not participate in the costs of the devices or the installation of the protective devices.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Miami-Dade County will be responsible for the annual maintenance at fifty percent for each cross protective device at a cost of \$2,820.00 and the other two crossing devices are \$3,540.00 of which Miami-Dade County is responsible for 50% of the cost. The other railroad companies will be responsible for the other fifty percent.

V. COMMENTS AND QUESTIONS

The funding for Miami-Dade's portion will come from the Secondary Gas Tax.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS
AND RETROACTIVE APPROVAL OF CHANGE ORDER NO. ONE TO THE
CONTRACT WITH A NATIVE TREE SERVICE, INC. FOR ANNUAL ROADSIDE
TRACTOR MOWING CONTRACT NO. 2 – ZONE F (MIAMI-DADE COUNTY
PUBLIC WORKS DEPARTMENT PROJECT NO. 621463)*

Public Works Department

I. SUMMARY

This resolution authorizes the waiver of the competitive bidding process and seeks the approval of Retroactive Change Order No. One between S.P.E.C. Inc. and Miami-Dade County for roadside tractor mowing services throughout Miami-Dade County.

II. PRESENT SITUATION

S.P.E.C. Inc. was awarded Project No. 621463 for roadside tractor mowing including litter pick up, edge trimming, clearing and grubbing, and other miscellaneous landscape maintenance services, adjacent to improved County roads at various locations throughout the County.

While S.P.E.C. Inc. was mowing and picking up litter and other miscellaneous landscape maintenance services, National Landscaping, Inc. went out of business for zones A and B. During this time, S.P.E.C. Inc. and A Native Tree Service, Inc. were offered zones National Landscaping, Inc. serviced. S.P.E.C. Inc. declined the contract and Public Works Department (PWD) awarded the project to A Native Tree Service, Inc.

III. POLICY CHANGE AND IMPLICATIONS

Change Order No. One will increase the contract amount by \$188,100.00 and extend the contract completion date until June 9, 2004.

BCC ITEM 7 (P) (1) (I)
May 11, 2004

IV. ECONOMIC IMPACT

The original contract amount was agreed upon by (PWD) to be:

\$225,562.21 for Zone A; \$180,125.41 for Zone B; \$115,023.55 for Zone C; \$264,125.51 for Zone D; \$236,339.82 for Zone E; \$197,209.65 for Zone F; and \$112,613.84 for Zone G.

The combined project total is \$3,993,000.00 for three years for all seven zones.

According to (PWD), increasing the original contract amount should cover compensation for S.P.E.C. Inc. for work performed since December 2003 and provide continuity of service for six months or until a new contract is available for zone F.

Original Contract Amount:	\$197,209.65
Change Order No. One:	\$188,100.00
Adjusted Contract Amount:	\$1,127,375.15
Percentage increase:	(+) 90.55%

V. COMMENTS AND QUESTIONS

Some Commissioners have been hesitant to approve waiving the competitive bidding process, with the hope that the competitive bidding process is reflective of the diverse work force in our community. There may be a public perception problem that arises from circumventing the competitive bidding process. Nevertheless, some may argue that the County is excluding certain segments of the community from receiving County contracts.

According to staff, the change order process took longer than expected. Subsequently, since December 2003 there was service rendered by **S.P.E.C, Inc.** in Zone F.

During the GOE Committee, certain commissioners raised concerns that there was significant amount of time used to formulate the new solicitation language. According to staff, "in the new solicitation for these services, advertised on May 4th, and scheduled to open on June 16th, DPM and PWD have worked collaboratively to develop a method of award which allows for awards to the low bidder by zone. The desire is to offer opportunities to spread the county's work to up to five vendors performing these services."

Some may argue that the County should set new safeguards and reinforce contractual obligations for existing/new contracts. Currently, firms with existing County contracts,

blame their delays on unforeseen circumstances, omission errors and design errors. However, in certain circumstances, it is not possible to anticipate additional conditions when bidding construction projects.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DECLARING THE ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF A NEW MULTI-MODAL PASSENGER ACTIVITY CENTER, LOCATED BETWEEN NW 62 STREET (MARTIN LUTHER KING BLVD.) AND NW 60 STREET AND BETWEEN NW 7 AVENUE AND NW 6 COURT, IN THE CITY OF MIAMI, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS, OBTAIN ENVIRONMENTAL AUDITS, AND ACQUIRE THE RIGHT-OF-WAY AT THE APPRAISED VALUE AND TERMS, OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY

Public Works Department

I. SUMMARY

This resolution will approve the **Acquisition of Land** required for the construction of a Modal Passenger Activity Center, located in the City of Miami.

Authorizes the County Manager to employ appraisers, obtain environmental audits, and acquire the land valued by the appraisals.

II. PRESENT SITUATION

Currently the Miami-Dade Transit Department has shown interest in acquiring land located at Northwest 62 Street and NW 60 Street, and between NW 7 Avenue and NW 6 Court, in the City of Miami. The Modal Passenger Activity Center will serve passengers in parts of Miami-Dade County. Attached is the legal description of the parcels of land Miami-Dade Transit Department is required to purchase in "Exhibit B."

In order for the process for the development of this facility to proceed, the Miami-Dade Transit Department needs to obtain authorization to employ an appraiser, obtain an environmental audit, acquire the land at values established by the appraisals, and if necessary, be prepared to proceed to condemn a resident, a commercial, and a new residence under construction.

The Modal Passenger Activity Center improvements will revitalize the business district and provide mobility.

Staff from the Miami-Dade Transit Department will meet with the residents in the impacted areas on Wednesday, May 12, 2004. The Miami-Dade Transit Department will proceed to explain to the residents the acquisition and eminent domain process.

BCC ITEM 7 (P) (1) (K)
May 11, 2004

III. POLICY CHANGE AND IMPLICATIONS

Residents in and around the project location will have the opportunity to fully understand the advantages and disadvantage the Modal Passenger Activity Center.

IV. ECONOMIC IMPACT

At this time, staff indicated there is no economic impact study for the residents in the area. *The acquisition cost is estimated at 4.5 million dollars.*

The project should bring a positive impact for the residents of Liberty City, Glenwood Heights and Pinewood Park.

The Modal Passenger Activity Center is being funded by a Federal Transit funds.

V. COMMENTS AND QUESTIONS

1. How was the need for the land determined?
2. What were the findings of the study conducted?
3. What was the input obtained from citizens?
4. What was the ridership demand for the subject area?
5. What are the number of parking spaces for the center?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

**RESOLUTION APPROVING THE PUBLIC WORKS DEPARTMENT'S
AMENDMENT TO THE FUNDING SOURCE FOR THE NW 62 AVENUE
PROJECT**

Public Works Department

I. SUMMARY

This resolution seeks approval for the Public Works Department's (PWD) portion of the funding source for the NW 62 Avenue project which was previously approved in the Department's 2-year plan for the People's Transportation Plan (PTP) for fiscal years 2003-2004-05.

The proposed funding is recommended to come from two sources:

- Road Impact Fees (RIF) District 9 \$2.4 million
- PTP funding will cover the remainder of the project expenses

The construction budget for this project is estimated at \$5.5 million.

II. PRESENT SITUATION

Originally, the funding source would have been advanced from the (PTP) funds, in order to accelerate the construction. Also included in the original submittal, the (RIF) would reimburse the (PTP) \$600,000, per year or until the project was fully reimbursed. However, there is \$2.4 million showing in total (RIF) funding. Staff recommend that (PTP) should supplement funding to complete this project

III. POLICY CHANGE AND IMPLICATION

It is recommended that PTP fund the entire project with. Once the project is completed, (RIF) funds will reimburse the (PTP) \$2.4 million

IV. ECONOMIC IMPACT

The total funding for the project estimated by Public Works PTP Plan is \$3.1 million.

BCC ITEM 7 (P) (1) (L)

May 11, 2004

V. COMMENTS AND QUESTIONS

Critics of County government spending may question the expenditure of large sums of PTP funds on projects that could be considered "maintenance or reoccurring" in nature.

Proponents will argue that these types of programs were always intended in the program as a means to improve and maintain the County's surface transportation infrastructure.

This argument can be either a plus or a minus depending on how well staff does it's job of informing the public on the intention and progress of the program

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

SAFE RESOLUTION DIRECTING COUNTY MANAGER TO TAKE APPROPRIATE STEPS TO IMPLEMENT THE SAFE LITE MONITORING SYSTEM COUNTYWIDE, EXPAND THE SAFE LITE MONITORING PILOT PROGRAM IN FLOOD-PRONE AREAS AND PERFORM FISCAL IMPACT STUDY COMPARING COUNTYWIDE INSTALLATION OF SAFE LITE MONITORING SYSTEM AT ONE TIME WITH PHASED INSTALLATION

Public Works Department

I. SUMMARY

This resolution authorizes the Board of County Commissioners to accept the Safe Lite Monitoring System Pilot Program Report. This report illustrates Martin-Vilato and Associates review and evaluation on the monitoring system for street light installations.

II. PRESENT SITUATION

Public Works Department (PWD) along with Horsepower Electric, Inc., initiated a Pilot Program to evaluate the "Safe Lite Monitoring System." The system should improve the safety, and provide greater levels of protection to the public. A total of ten circuits of 385 street lights were tested.

Project began: September 9, 2002
Approximate completion date: March 9, 2004
Cost: \$200,000.00

The monitoring system will allow a technician to monitor street light systems and detect a number of unsafe situations that may be hazardous to the general public. For example, the system has a unique capability to immediately shut the street light energy source off.

The Safe-Lite Monitoring System will monitor ground faults, grounding continuity Knock-down pole, door open warning, circuit overloads and weather emergencies.

This is an important step for the County to prevent further electrocution of innocent bystanders on Dade-County Streets. From 1998 through 2000 at least seven people were killed by convergence of dangerous conditions inside a light poles and failures of safety cutoff switches.

III. POLICY CHANGE AND IMPLICATION

Martin-Vilato concluded the following:

The demonstration was conducted live via CCTV cameras;

The system responded well under actual field conditions;

Many emergency situations were injected into the system to handle. According to the review, all the incidents were addressed by the Safe-Lite system.

IV. ECONOMIC IMPACT

Public Works Department will further monitor the system and make future recommendations. The financial short-term impact to the County is \$200,000.00.

Funding for this program will come from the Liability Trust Fund.

V. COMMENTS AND QUESTIONS

According to staff, "the Resolution indicates that the expansion take place in flood prone areas. This can be accomplished, since we have various locations already retrofitted in the flood zones. However, it is recommended that strong consideration be given to areas of high pedestrian usage."

The expansion of the pilot program may or may not constitute an additional \$200,000. Staff needs to get some direction as to the number of circuits that will be encompassed in the expansion, which will be taking place while the negotiation of a formal contract is conducted in order to benefit from the economy of scale on a countywide basis.

BCC ITEM 7(R)(1)(A)

May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING REFUND OF PAYMENT OF WATER AND SEWER CONNECTION CHARGES PURSUANT TO SECTION 2-348 OF THE CODE OF MIAMI-DADE COUNTY TO LAUNDRY FUTURE L.L.C. D/B/A BLOOMERS COIN LAUNDRY

Water & Sewer Department

I. SUMMARY

This resolution authorizes the refund of payment of water and sewer connection charges to Laundry Future LLC d/b/a Bloomers Coin Laundry.

II. PRESENT SITUATION

GOE and the BCC have seen a similar request which was deferred 3 times by the BCC:
September 22, 2003 GOE Forwarded to BCC item 2BB
October 7, 2003 BCC Deferred item 7R1A
October 21, 2003 BCC Deferred item 7R1A
December 4, 2003 BCC Deferred item 7R1D

III. POLICY CHANGE AND IMPLICATION

This item differs from the prior item in that the Address of the applicant has been changed to reflect it is now in the City of Miami Gardens and a brief history of how many companies have received the exemption since 1997 was added.

IV. ECONOMIC IMPACT

The amount of the exemption is \$44,220.48.

V. COMMENTS AND QUESTIONS

The application was in process before the incorporation of Miami Garden and staff is recommending that it be grandfathered in.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS OF THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS BROWNSVILLE MANOR APARTMENTS

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS OF THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS DOWNTOWN PLACE APARTMENTS

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS OF THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) TO FINANCE THE ACQUISITION, CONSTRUCTION OR REHABILITATION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS SUGAR HILL APARTMENTS

RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY MORTGAGE REVENUE BONDS OF THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A MULTIFAMILY HOUSING PROJECT TO BE KNOWN AS THE CORINTHIAN APARTMENTS

Housing Finance Authority

I. SUMMARY

This resolution will approve the issuance of Multifamily Mortgage Revenue Bonds for the following developments: **Brownsville Manor Apartments, Corinthian Apartments, Downtown Place Apartments and Sugar Hill Apartments**. Each development project is scheduled to receive selected funds in varying amounts (see *Attachment A*).

II. PRESENT SITUATION

All of the projects described above have demonstrated an intent to finance the acquisition and construction of projects that will benefit Miami-Dade County, as required. Additionally, the authority has satisfied the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). TEFRA requires that a public hearing is held regarding the above described projects, with at least two weeks notice via publication provided.¹

¹ http://www.miamidade.gov/hfa/library/031014_4_board_orientation.pdf.
Housing Finance Authority Board Member Orientation Manual, Page 24

III. POLICY CHANGE AND IMPLICATION

The above described projects will be approved to receive Multifamily Mortgage Revenue Bonds in the amounts indicated.

IV. ECONOMIC IMPACT

These bonds are secured by the revenue of the above described projects, and may require reserves, guarantees and/or credit enhancement.²

V. COMMENTS AND QUESTIONS

Please see *Attachment A*.

² http://www.miamidade.gov/hfa/library/031014_4_board_orientation.pdf.
Housing Finance Authority Board Member Orientation Manual, Page 26, 27.

Attachment A – BCC Item 9(D)(1)(A), 9(D)(1)(B), 9 (D)(1)(C) & 9(D)(1)(D)

PROJECT NAME	PRINCIPAL OWNERS¹	MULTIFAMILY MORTGAGE REVENUE BOND AMOUNT	OTHER COUNTY FUNDING RECEIVED²	LOCATION OF PROJECT
BROWNSVILLE MANOR APARTMENTS	<i>Florida Manor Apartments Associates, LLC</i> Florida Funding Group, LLC Donald Cohen	Not to exceed \$7,800,000	No information provided	4190 NW 32 Avenue
CORINTHLAN APARTMENTS, LTD.	<i>PHG-Corinthian, LLC</i> <i>PHG GP Holdings, LLC</i> Louis Wolfson Michael Wohl David Deutch Mitchell Friedman	Not to exceed \$9,000,000	Surtax 2003 - \$4,000,000	SE of intersection of NW 22 nd Avenue and NW 78 th Street
DOWNTOWN PLACE APARTMENTS, LLC	<i>Banc of America Development, Inc.</i> ³	Not to exceed \$14,880,816	Surtax 2004 - \$750,000	364 NW 6 th Street
SUGAR HILL APARTMENTS, LTD.	<i>The Urban League of Greater Miami</i> Talmadge Fair Linda Payne Cordell Price Patrick Heffernan Nathaniel Harris	Not to exceed \$5,000,000	Surtax 2000 - \$500,000 Surtax 2002 - \$1,000,000	NW 14 th Avenue and NW 71 st Street

¹ Based on corporate filings with the Florida Department of State.

² Information is based on staff response from MDHA. Staff from OCED did not respond to request for information.

³ No information available about the company, as described, with the Florida Department of State.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION URGING THE MIAMI-DADE EXPRESSWAY AUTHORITY TO REQUEST THE METROPOLITAN PLANNING ORGANIZATION FOR THE GREATER MIAMI URBANIZED AREA TO RE-ALLOCATE 1.25 MILLION DOLLARS IN FEDERAL CONGESTION MITIGATION AND AIR QUALITY FUNDS FOR AN INCENTIVE PROGRAM TO SUBSIDIZE THE DEPOSIT COSTS FOR SUNPASS TRANSPONDERS

Commissioner Rebeca Sosa

I. SUMMARY

This resolution urges the Miami-Dade Expressway Authority (MDX) to request that the Metropolitan Planning Organization (MPO) re-allocate \$1.25 million in Federal Congestion Mitigation and Air Quality (CMAQ) funds for the purposes of a program to subsidize the deposit price for SunPass transponders for low-income residents of Miami-Dade County.

II. PRESENT SITUATION

The Sun Pass program is an electronic tolls collection system located on Miami-Dade County's toll expressways and the Florida Turnpike which allows users pay their tolls without stopping at the toll plaza. The system utilizes an electronic transponder which communicates with antennas located at toll plazas and deducts the cost to the toll from a "Prepaid Account" associated with each transponder.

According to SunPass, a lane equipped with the SunPass system can handle up to 1,800 vehicles per hour, approximately 300% more than a manual toll lane.

Currently, users purchase the SunPass transponder for \$25 + tax and are required to provide a minimum opening balance of an additional \$25, for a start up total of at least \$50. Transponders can be purchased at Publix, Eckerd's Drug Stores, Turnpike Services Plazas, MDX headquarters, and four (4) auto tag agencies across Miami-Dade County.

Users of SunPass who utilize their credit card to open their account and replenish their prepaid account can establish an automatic replenishment of their account once their prepaid balance reaches \$10.

Customers, who use cash or check to open an account and/or replenish their account, can do so by obtaining a SunPass deposit ticket book and make deposits to their prepaid account at any Wachovia Bank branch in Florida or at SunPass Customer Service Centers in Boca Raton, Niceville, and Milton, FL.

There are currently approximately 430,000 registered SunPass users in Miami-Dade County.

BCC ITEM 9(J)(2)(A)
May 11, 2004

In March 2004, the Miami-Dade Expressway Authority increased the toll rates on MDX controlled expressways, for non-SunPass users, from .75 cents to \$1.00. SunPass users continue to pay the .75 cent rate.

Some Commissioners have expressed concern that the increase in rates for non-SunPass users results in persons who cannot afford the transponders being burdened with the higher tolls. Thus, those who can afford it the least, pay the most.

MDX contends that the variable pricing is a result of it being cheaper in the long run to operate SunPass lanes than manual toll lanes.

III. POLICY CHANGE AND IMPLICATION

There is currently no incentive or subsidization program in Miami-Dade County for the purchase of SunPass transponders for any segment of the population.

If effectuated, this resolution calls for the utilization of Federal Congestion Mitigation and Air Quality (CMAQ) funds to be utilized to develop a program to subsidize the \$25 cost of the transponders for low income residents and seniors residing in Miami-Dade County.

The MPO stated, at the April 22 Transportation Committee Meeting, that CMAQ funds were originally used to fund the construction of the 836 SunPass Toll Plaza. The rationale for the use of CMAQ funds was that fewer pollutants were emitted from automobiles utilizing electronic transponders than from automobiles that must stop and idle at the toll plazas then accelerate away from the plaza.

Further, the MPO was uncertain that the desired subsidization program would qualify under the terms of the program. (SEE ATTACHMENT 1)

The County and/or MPO should devise a distribution plan that would discourage the re-sale of transponders by those persons that would receive them at no cost. (SEE COMMENTS SECTION)

IV. ECONOMIC IMPACT

The resolution requests the reallocation of \$1.25 million in Federal Congestion Mitigation and Air Quality (CMAQ) funds be used for this program.

Alternative Funding Scenario

The following funding utilizes Year 2000 Census information along with conservative assumptions to develop a potential fiscal impact to the County if alternative funds are needed for this, or an expanded program.

Current estimated Miami-Dade County Population – 2,372,000.

Percentage of Miami-Dade Citizens at (or below) poverty level – 18% or 420,587 people.

BCC ITEM 9(J)(2)(A)
May 11, 2004

Assumption 1 – 65% (or 273,388) of those at or below the poverty line are of legal age to drive.

Assumption 2 – 1 out of 3 (or 90,218) of those residents at or below the poverty line own an automobile.

Hardware Costs

Using these facts and assumptions, it would cost approximately \$2.3 million to provide a free SunPass transponder to all residents who are below the poverty line and own automobiles.

There would also be a fiscal impacted associated with the entity charged with the distribution of the subsidized transponders.

V. COMMENTS AND QUESTIONS

This is concern that with the current SunPass lane capacity, that any significant increase in the number of SunPass users could have a negative (or reverse effect) at some Toll Plazas, creating a bottle neck in SunPass lanes. Eventually however, these bottlenecks would dissipate with the expansion of the number of SunPass lanes available.

The following Chart lists other States and Cities utilizing Electronic Toll Collection Systems and the start up costs associated with those systems.

State	Deposit Amount (Cash)	Deposit Amount (Credit Cards)
New Jersey - E- Z Pass	\$10 if account is replenished via cash, check or money order.	Free if account is replenished via credit card.
Maryland - E - Z Pass	\$10 if account is replenished via cash, check or money order.	Free if account is replenished via credit card.
California - FasTrak	\$30 if account is replenished via cash, check or money order.	Free if account is replenished via credit card.
Orlando - E - PASS	\$25 if account is replenished via cash, check or money order.	\$25 if account is replenished via credit card.
Georgia - Cruise Card	N/A	Account must be opened with a chargeable credit or debit card. Initial deposit amount is \$40 towards the Prepaid Account.

Possible Distribution Scenario

In order to discourage misuse of subsidized transponders, the program could be established to provide users with a certificate of credit for \$25 at the time of purchase of the transponder. When the purchaser of the transponder activates the transponder via telephone or on-line, they can use the numbered certificate as a \$25 credit towards their prepaid account.

Then end result would still be that the start-up cost would be \$25 instead of \$50.

This scenario would insure that recipients of the \$25 credit would have already made the effort, through purchase of the transponder, to establish a SunPass account.

Further, the current CMAQ funds allocated to Miami-Dade County are fully programmed into existing and/or future projects. Thus any re-allocation of funds towards this program would have a negative fiscal impact in the same amount to an already programmed project.

Attachment 1

Federal-aid Eligibility Policy Guide

The operating costs for traffic monitoring, management, and control systems, such as integrated traffic control systems, incident management programs, and traffic control centers, are eligible for Federal reimbursement from National Highway System and Surface Transportation Program funding. For projects located in air quality non-attainment and maintenance areas, and in accordance with the eligibility requirements of 23 USC 149(b), Congestion Mitigation and Air Quality Improvement Program funds may be used for operating costs for a 3-year period, so long as those systems measurably demonstrate reductions in traffic delays. Operating costs include labor costs, administrative costs, costs of utilities and rent, and other costs, including system maintenance costs, associated with the continuous operation of the system.

Introduction

The movement of people, goods, and vehicles on the nation's surface transportation system is now critically dependent on how effectively that system is managed and operated. Adding to the roadway system is necessary in some key locations and corridors to serve the demands for this movement, and in some cases, provide for economic development in the area. However, the construction of new lanes will never alleviate the need for effective management and operations of the system - on existing as well as new segments. Well planned, cost-effective transportation operations and management actions can improve mobility, safety, and productivity of the system for transportation users in urban and rural areas.

Background - Legislative

The Transportation Equity Act for the 21st Century (TEA-21), signed into law on June 9, 1998, reinforces the Federal commitment to manage and operate the nation's transportation system. Under TEA-21, the Federal-aid Highway Program continues eligibility of operating costs for traffic monitoring, management, and control. The legislation defines operating costs as including labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous management and operation of traffic systems, such as integrated traffic control systems, incident management programs, and traffic control centers.⁽¹⁾ An "operational improvement" continues to mean a capital improvement for installation of traffic surveillance and control equipment; computerized signal systems; motorist information systems; integrated traffic control systems; incident management programs; transportation demand management facilities; strategies, and programs; and such other capital improvements to public roads as the Secretary may designate, by regulation.⁽²⁾ By definition, an operational improvement still does not include restoration or rehabilitating improvements; construction of additional lanes, interchanges, and grade separations; and construction of a new facility on a new location.

For both National Highway System (NHS) and Surface Transportation Program (STP), TEA-21 continues the eligibility of capital and operating costs for traffic monitoring,

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management, and control facilities and programs.⁽³⁾ Also, TEA-21 clarifies the eligibility of NHS and STP funds for Intelligent Transportation Systems (ITS) capital improvements to specifically allow funds to be spent for infrastructure-based ITS capital improvements.⁽⁴⁾

For the Congestion Mitigation and Air Quality Improvement Program, TEA-21 continues to include the establishment or operation of a traffic monitoring, management, and control facility or program as potentially eligible projects.⁽⁵⁾ TEA-21 also explicitly adds, as an eligible condition for funding, programs or projects that improve traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement ITS strategies.⁽⁶⁾

Interpretation / Rationale

Examples of typical eligible operating cost and expenses for traffic monitoring, management, and control include those costs mentioned in the legislative definition for operating costs.¹ In order to assure continuous operation, costs associated with maintaining these systems are necessary operating expenses so that traffic monitoring, management, and control facilities or programs provide their intended functions. Examples of these maintenance costs include system maintenance activities to assure peak performance (preventive computer maintenance) and replacement of defective or damaged computer components and other traffic management system hardware (including street-side hardware). Specific eligibility determinations related to traffic control operational costs and maintenance expenses are the discretion of the FHWA Division Office in a particular state.

This interpretation is consistent with the FHWA Strategic Plan, specifically related to the Mobility Goal and the Strategic Objective to "Improve the operation of the highway systems and intermodal linkages to increase transportation access for all people and commodities." In light of TEA-21, which reaffirms and increases the Federal commitment to manage and operate the nation's surface transportation system, this interpretation is also consistent with the intent of Congress.

It is appropriate for FHWA to adopt policies that encourage efficient management and operation of surface transportation. With a greater shift toward applying technology to addressing transportation needs, a broader life-cycle view of transportation operations is warranted that includes all activities related to sustaining system performance.

Examples

Some of the types of Federal-aid projects that may be funded include the installation and integration of the Intelligent Transportation Systems Infrastructure such as:

- Planning for regional Management and Operations programs
- Traffic Signal Control Systems
- Freeway Management Systems
- Incident Management Systems
- Multimodal Traveler Information Systems
- Transit Management Systems

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- *Electronic Toll Collection Systems*
- *Electronic Fare Payment Systems*
- Railroad Grade Crossing Systems
- Emergency Services
- Implementation of the National ITS Architecture for metropolitan and rural areas
- Development of regional ITS Architecture

Some examples of typical Federal-aid capital improvement projects that may include eligible operating costs include:

- System Integration
- Telecommunications
- Reconstruction of Buildings or Structures that house system components
- Control / Management Center (Construction) and System Hardware and Software for the projects
- Infrastructure-based Intelligent Transportation System capital improvements to link systems to improve transportation and public safety services
- Dynamic / Variable message signs
- Traffic Signals

Some examples of typical eligible operating cost and expenses for traffic monitoring, management, and control include:

- Labor Costs
- Administrative costs
- Costs of Utilities and Rent
- Other costs associated with the continuous operation of the above-mentioned facilities and systems
- System Maintenance (activities to assure peak performance)
- Replacement of defective or damaged computer components and other traffic management system hardware (including street-side hardware).
- Computer hardware and software upgrades to remedy Year 2000 (Y2K) problems.

Questions and Answers

Q. What would not be considered eligible as an operating cost?

A. The discretion and flexibility afforded FHWA Division Offices in determining the eligibility of specific activities under this guidance, the allowances for preventive maintenance in Title 23⁽¹⁾, and other Federal-aid policies can allow for virtually any activity to be eligible. However, routine maintenance items that are not critical to the successful operation of the system, such as the painting of traffic signal controller cabinets or the maintenance of the exterior of transportation management center buildings, would normally fall outside of eligible operating costs.

Q. What are some typical activities associated with transportation management center computers whose costs could be eligible under Federal-aid?

A. Besides the costs associated with designing and procuring the computer system, other eligible activities could include regular checking of the computer components to make sure they are fully functional. Any corrective measures or upgrades (software or

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hardware) that are necessary would be eligible activities.

Q: Can "spare parts" be eligible for federal-aid?

A: System-critical parts (i.e., ones that are essential for the successful operation of the system) that are susceptible to failure, regardless of reason - acts of God, crashes, electronic "infant mortality" - have been determined by some FHWA Division Offices as eligible for federal-aid reimbursement.

Q: What documentation do states or local governments need to submit (or present upon request) for approval or authorization of operating costs?

A: The amount and specific nature of documentation are left to the judgement of the FHWA Division Office, but the documentation should be sufficient to determine that the proposed expenditures would be eligible for Federal-aid reimbursement.

Q: Besides TEA-21 and Title 23, what overall rules govern the eligible operating costs and procurement method?

A: The Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments (available at <http://www.whitehouse.gov/OMB/circulars/a087/a087-all.html>) establishes principles for determining the allowable costs incurred by State, local, and federally-recognized Indian tribal governments under grants, cost reimbursement contracts, and other agreements with the Federal Government. Part 18 of Title 49 of the Code of Federal Regulations (49 CFR Part 18, available at <http://www.access.gpo.gov/nara/cfr/index.html>) also includes information related to the administration of grants and cooperative agreements with State and local governments.

Q: Where can I find out more about the Congestion Mitigation and Air Quality Improvement (CMAQ) Program?

A: The latest guidance on the CMAQ Program was issued April 28, 1999, and is available from FHWA Division and FTA Regional offices. The guidance, along with other CMAQ Program information, is available on the internet at <http://www.fhwa.dot.gov/environment/cmaq.htm>

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF TWO NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENTS TO PROVIDE GROUNDWATER, SURFACE WATER AND SOIL CONTAMINATION CLEANUP SERVICES, PROJECT NO. E03-DERM-01, AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE EXTENSION AND CANCELLATION PROVISIONS CONTAINED THEREIN; AUTHORIZING EXECUTION OF TWO ADDITIONAL AGREEMENTS UNDER CERTAIN CONDITIONS; AND AUTHORIZING THE MANAGER TO INCREASE THE AMOUNT OF THE AGREEMENTS ON CERTAIN CONDITIONS

Department of Environmental Resource Management

I. SUMMARY

The resolution approved by the Board on April 13, 2004 sought to execute two (2) non-exclusive Professional Service Agreements (PSA) with **Cherokee Enterprises, Inc.** and **Peer Consultants, P.C.** for Groundwater, Surface Water, and Soil Contamination Cleanup Services at various non-specific sites.

The Miami-Dade Transit Agency wishes to utilize these contracts, established by the Department of Environmental Resources (DERM), for the evaluation, study, and/or design work associated with the cleanup and remediation of sites contaminated by underground petroleum storage facilities.

II. PRESENT SITUATION

On January 23, 2003, the Board of County Commissioners (BCC) approved the rejection of current proposals and the re-advertisement of a replacement contract for two PSAs with at contract capacity of \$5 million per agreement for a total of up to \$10 million worth of services.

III. POLICY CHANGE AND IMPLICATION

Upon successful negotiations with the two (2) firms listed in this resolution, it was realized that County Code Sec. 2-10.4(1)(e) 2 prohibited the County from awarding Architectural & Engineering service agreements at an amount greater than \$500,000.

Essentially, the County advertised for proposals based on an amount that was up to 10 times greater than the County Code would allow.

The amount listed in the Board's award approval, of April 13, 2004, reflects the adjusted amount of \$500,000 rather than the original amount of \$5,000,000.

BCC ITEM 9(K)(1)(A) (CITT Rejection of ITEM 7(D)(1)(G) from 4-13-2004)
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The Scope of Work is also reduced from actual cleanup and remediation to study and/or design work.

However, the original item allowed the County Manger the ability to increase the award amount up to the original \$5million if the County Code is amended to allow for a larger dollar amount for these types of projects.

At the April 13, 2004 BCC meeting, a first (1st) reading item was passed addressing the contract ceiling associated with these types of projects.

IV. ECONOMIC IMPACT

As written these two contracts would be for up to \$500,000 each for a total of \$1million.

However, if the Code is amended, these awards could be increased up to \$5 million each for a total of \$10 million.

Originally, the Miami-Dade Transit Department listed Federal, State, and Local Funds as the funding source for these services, including the possibility of utilizing PTP funds. Now it seems that the largest piece of the funding would be PTP funding.

V. COMMENTS AND QUESTIONS

The amended award amounts are a result of unintended consequences associated with the County's Equitable Distribution Program (EDP). The program was established to provide work to different firms. However, in this case, the parameters of the EDP are a hindrance to a large scope project getting done.

When the County first advertised to bid for these services, there was no \$500,000 cap. However, prior to award approval the County instituted the policy of not awarding these types of services for more than \$500,000.

However, the County should be more diligent in realizing the parameters of a proposed contract before negotiating with a prospective firm. **The possibility exists that the firms submitted proposals and dollar amounts based on unit prices related to a larger scope of work and may not be able to realize these tasks for the amount agreed to if the scope of work is decreased.**

CITT Resolution

The CITT has rejected the item if it allows for a future increase of the contract ceiling as a result of future legislation.

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Further, the CITT resolution (Handwritten pg. 2 of Manager's Memorandum)
recommends that the County not delay and award the contracts in an amount not to
exceed \$500,000.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING COUNTY MANAGER TO IMPLEMENT PROCEDURES FOR THE USE OF THE "REFRESHED" COUNTY LOGO AS THE OFFICIAL COUNTY BRAND

Commissioner Natacha Seijas

I. SUMMARY

This resolution directs the County Manager to begin incorporating the "refreshed" County logo in all County departments as the official County brand.

The "refreshed" logo is the existing logo with a slightly different and brighter color palette and the addition of the word "County". Attached is a sample of the "refreshed" logo (in black and white).

II. PRESENT SITUATION

Currently, Miami-Dade County utilizes various logos, color schemes, and mottos. Differences exist in everything from business cards to office signage to vehicle and uniform emblems.

Pursuant to Board of County Commissioner (BCC) policy to develop branding strategy, alternative logo designs were suggested, and the "refreshed" logo was adopted by the BCC on April 13, 2004.

III. POLICY CHANGE AND IMPLICATION

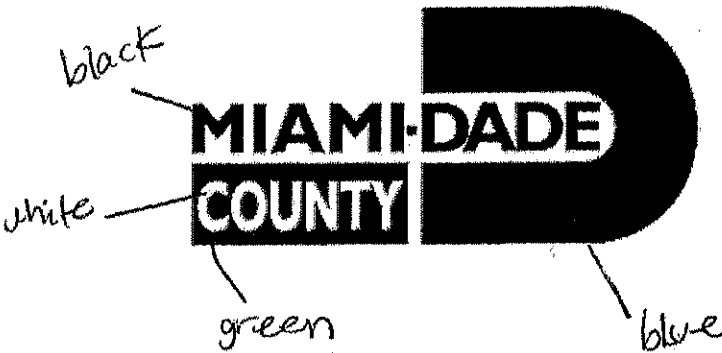
The "refreshed" logo will eventually be a part of all Miami-Dade County signage and communications. The consistent image will establish it as the recognizable County brand.

IV. ECONOMIC IMPACT

There is no economic impact expected, as the "refreshed" logo will be phased in as items (logos, cars, signs, supplies, etc.) are replaced, rather than incurring costs for the sole purpose of changing the logo. Cost savings (due to standardization) could be realized as well.

V. COMMENTS AND QUESTIONS

A single logo is important in presenting a consistent image to the public. A style guide with specifications for the use of the County logo will be provided to departments to ensure the consistent application of the logo.



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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING COUNTY MANAGER TO PREPARE FINDING OF NECESSITY AND FINDING OF NEED FOR CREATION OF A COMMUNITY REDEVELOPMENT AREA STUDY, FOR A PORTION OF SECTIONS 13, 14, 23, 24, 25, 26, 35 AND 36, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA GENERALLY BOUNDED ON THE NORTH BY SW 120TH STREET, BOUNDED ON THE EAST BY SW 117TH AVENUE, BOUNDED ON THE SOUTH BY SW 184TH STREET, AND BOUNDED ON THE WEST BY SW 137TH AVENUE AND A PORTION OF SECTION 30, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA GENERALLY BOUNDED ON THE NORTH BY SW 152ND STREET, BOUNDED ON THE EAST BY SW 112TH AVENUE, BOUNDED ON THE SOUTH BY SW 168TH STREET, AND BOUNDED ON THE WEST BY SW 117TH AVENUE, PURSUANT TO REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; IDENTIFYING FUNDING SOURCE; AND PROVIDING MECHANISM FOR REIMBURSEMENT OF CONSULTING FEES FROM MONIES ON DEPOSIT IN COMMUNITY REDEVELOPMENT TRUST FUND, IF AVAILABLE

Commissioner Dennis C. Moss

I. SUMMARY

These Resolutions direct the County Manager to prepare a Finding of Necessity for the Three Lakes/Metro Zoo and West Perrine.

II. PRESENT SITUATION

n/a

III. POLICY CHANGE AND IMPLICATION

n/a

IV. ECONOMIC IMPACT

The Economic Impact for preparing the Finding of Necessity Study will be minimal (approximately \$40,000) and will be funded from the UMSA Operating Budget. The Potential future impact of a CRA will have greater Fiscal Impact but is premature at this time.

V. COMMENTS AND QUESTIONS

- The Three Lakes/Metro Zoo CRA will include METROZOO. What effect will it have on the zoo?
- Does the proposed CRA encroach on the proposed Incorporations, MACs, or Charettes?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AMENDING RESOLUTION NO. R-1182-03 TO INCREASE PLEDGE OF AVAILABLE CONVENTION DEVELOPMENT TAX PROCEEDS FOR THE DEVELOPMENT AND CONSTRUCTION OF A FLORIDA MARLINS BALLPARK; APPROVING TERMS OF PRELIMINARY TERM SHEET BY AND AMONG MIAMI-DADE COUNTY, THE CITY OF MIAMI AND FLORIDA MARLINS, L.P.; AND AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE ANY AND ALL RELATED AGREEMENTS SUBJECT TO FINAL BOARD APPROVAL

County Manager

I. SUMMARY

On November 4, 2003 the BCC approved a pledge of financial support for the development and construction of a new ballpark for the Florida Marlins. The Board committed \$35 million of Convention Development Tax (CDT) and \$38 million of Professional Sports Franchise Facilities Tax (PSFT). April 29, 2004 the Manager came before the Board with a report that a preliminary proposal had been reached which would require a higher commitment of CDT.

II. PRESENT SITUATION

The Board has committed to the use of \$73 million in CDT dollars. The Manager has recalculated the amount of CDT dollars available as a result of higher than anticipated 2004 CDT revenues. This base adjustment represents \$24 million. The \$23 million will be available as a result of the pending sale of the Miami Arena.

III. POLICY CHANGE AND IMPLICATION

The BCC has approved \$73 million the proposed County contributions will be:

Approved CDT	\$35 million
New CDT	\$24 million
Sale of Arena CDT	\$23 million
Approved PSFT	\$38 million
Total	\$120 million

IV. ECONOMIC IMPACT

Florida Marlins	
Rent	\$127 million
Equity	\$20 million
Ticket Surcharge	\$10 million
Sub Total	\$157 million
Parking	
Parking Revenues	\$32 million
City of Miami	

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Tourist Development Tax	\$28 million
Miami-Dade County	
Approved CDT	\$35 million
New CDT	\$24 million
Sale of Arena CDT	\$23 million
Approved PSFT	\$38 million
Sub Total	\$120 million
LOCAL TOTAL	\$337 million
Professional Sports Facilities Sales Tax Rate (Pending State Approval)	\$30 million
Total Funding	\$367 million

V. COMMENTS AND QUESTIONS

- What other CDT eligible projects are not going to be funded as a result of the addition commitment to the Stadium?
- Is Opening Day 2007 for completion reasonable?
- Will the team change its name to the Miami Marlins?
- The Team will be responsible for any overruns.

Attachment 1 – Weather and the Marlins

Attachment 2 – Stadiums, cost, and financing mechanisms

Weather

A point that is frequently made about Florida Marlins attendance is the effect of rain outs and inclement weather. While the number of washed out games (games totally unable to be played on the day scheduled is relatively low (1 in 2003) but the threat of rain keeps an untold number of fans from going to the games. A quick internet search on the topic revealed the following interesting items;

- In 1997, The Miami Herald reported that the Marlins had 34 rain delays out of 81 games that lasted an hour or more. October 27, 1997
- An article by Matthew Weaver.com on Major league Baseball parks, reported that "Due to regular South Florida downpours and the lack of a roof at Pro Player, the Marlins average more rain delays per game than any other team in the Majors- by far" www.matthewweaver.com/ballparks/marlins.html
- An article in the Arizona Daily Star, October 22, 2003 Stated that the rain delay in the World series game at pro player was the first rain delay in a World Series game in 10 years. The article goes on to say the Marlins had 6 rain delays during the regular season and one complete rainout.
- A September 04, 2003 story in the Miami Herald reported how rain and the threat of rain hinders profits at the tennis tourney at Key Biscayne.

City	Stadium	Capacity	Cost	Ownership/Financing	Retractable Roof
Arlington, Texas	The Ballpark in Arlington	49,178	\$191 million	71% from one-half cent sales tax. 29% from team ownership group	No
Baltimore, Maryland	Oriole Park at Camden Yards	48,262	\$100 million	Maryland Stadium Authority. Revenues generated by State Instant Lottery Game	No
Detroit, Michigan	Comerica Park	40,000	\$300 million	62% from team ownership. 38 % from 2 percent rental car tax.	No
Cincinnati, Ohio	Great American Ball Park	42,036	\$297 million	City of Cincinnati and Hamilton County	No
Milwaukee, Wisconsin	Miller Park	43,000	\$400 million	77.5% from 5 county one-yenth-of-a-cent sales tax. 22.5% from team ownership	Yes
Houston, Texas	Minute Maid Park	40,950	\$250 million	68% from 2 percent hotel tax and a 5 percent rental car tax. 20% from team ownership. 12% from a no-interest loan.	Yes
San Francisco, California	Pacific Bell Park	41,059	\$255 million	\$100 million from naming rights. \$145 million loan secured by team. \$10 million from City's Redevelopment Authority.	No
Phoenix, Arizona	Bank One Ballpark	48,569	\$349 million	68% Public Financing from a quarter-cent sales tax in Maricopa County. 32% from team ownership.	Yes
Pittsburgh, Pennsylvania	PNC Park	38,365	\$262 million	City of Pittsburgh Sports and Exhibition Authority (SEE pg. 3 of Tab K for financial breakdown)	No
Miami, Florida	Pro Player Stadium	42,531	\$115 million	Built and financed by then Dolphin Owner Joe Robbie. Purchased by H. Wayne Huizenga in 1990 who spent an additional \$10 million to retrofit stadium for baseball.	No

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

REPORT RE: EAST-WEST CORRIDOR AND SFRTA DOLPHIN CORRIDOR EXTENSION

Miami-Dade Transit Agency

I. SUMMARY

This report from the Miami-Dade County Manager details the present status of the East/West Transit Corridor project and a comparison of Miami-Dade County's Preferred Alternative as it relates to a current Federal Funding request proffered by the South Florida Regional Transit Authority (formerly known as Tri-Rail).

II. PRESENT SITUATION

On November 5, 2002 the voters of Miami-Dade County approved a .5 percent Charter County Transportation Surtax (Surtax), to be used to fund various transit and Transportation projects throughout Miami-Dade County.

The proposed projects were contained in a master plan presented to voters known as the People's Transportation Plan (PTP). One of the projects contained in the PTP was the East/West Corridor Project, designed to link Downtown Miami with the Western portion of Miami-Dade County. The Locally Preferred Alternative for this corridor seemed to favor the use of a "Heavy Rail" (or Metrorail) mode running parallel to the 836 west to the area of Florida International University in Western Miami-Dade County. This rail would connect to the current system at the Miami Intermodal Center (MIC) via a 3 mile connection known as the Earlington Heights Connector.

Subsequently, the South Florida Regional Transportation Authority (SFRTA) made up of representatives from Miami-Dade, Broward and Palm Beach Counties, was developing an alternative method of transporting commuters from the MIC area to West Dade via current at-grade train tracks to an area known as the Dolphin Mall.

A recent list of funding priorities presented by the SFRTA to congress, and signed by Congressional Delegates from South Florida, requests, among other projects, \$5 million to evaluate the Commuter train proposal to connect MIA to the Dolphin Mall via Tri-Rail.

III. POLICY CHANGE AND IMPLICATION

If the Congress, and FTA, approve the proposal by the SFRTA, it is highly likely that it would have negative consequences on the ability of Miami-Dade County to receive Federal Funds for our own preferred alternative.

It is highly unlikely that the FTA will fund two competing projects for the same Transportation Corridor.

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Although the SFRTA proposal would likely be completed sooner and cost less money, the ultimate impact in terms of ridership would be less useful for the resident of Miami-Dade County.

For example, under the SFRTA proposal, a rider desiring to get from FIU to Downtown would need to take an automotive form of transportation (car or bus) from FIU to the Dolphin Mall, the Board the Train, travel to the MIC, then board the Metrorail, and travel to the Downtown area. This would require three (3) different modes of transportation for one (1) trip.

Further, the SFRTA proposal contends that once completed, the trains could run on 20 minute intervals, where as the PTP proposal would run at intervals of between 3-5 minutes.

IV. ECONOMIC IMPACT

Although the total cost of the project proposed by the SFRTA, of \$200 million, is far less expensive than the estimated \$1.3 billion cost of the PTP project, the end result would be a less effective mode of transportation.

Additionally, any revenue derived from ridership of the SFRTA proposal would be retained by the SFRTA and not Miami-Dade County.

Although revenue derived from ridership would probably never be enough to pay for itself, these revenues are an integral part to the total PTP funding Pro Forma.

V. COMMENTS AND QUESTIONS

Ironically, Miami-Dade County will provide the SFRTA with approximately \$4.6 million annually to support the operations and Capital Improvements to Tri-Rail.

The SFRTA is utilizing money provided to it by the County as local matching dollars to compete against Miami-Dade County for Federal funding.

As competition for Federal Transportation dollars escalates, Miami-Dade County may want to re-think and/or evaluate its' financial relationship with the SFRTA. This project is only the tip of the iceberg in terms of the County v. SFRTA for Federal Funds.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

CITIZEN'S PETITION FOR INDEPENDENT AIRPORT AUTHORITY

Clerk of the Board

I. SUMMARY

This is a Citizen's Petition by the Independent Aviation Authority PAC and is submitted for approval "*as to form*" by the BCC per the Miami-Dade County Home Rule Charter, Sec. 7.01(1).

II. PRESENT SITUATION

This initiative by the Independent Aviation Authority PAC is to sponsor an ordinance, in accordance with Sec. 7.01 of the Home Rule Charter, creating an aviation authority to take over management of the Miami-Dade County Aviation System from the BCC and County Manager. This **Item** is submitted specifically to obtain approval "*as to form*" per Sec. 7.01(1) of the Home Rule Charter and Sec. 12-23(1) of the Code of Ordinances. The **Item** contains the proposed petition, ballot language, and ordinance.

III. POLICY CHANGE AND IMPLICATION

Per the Home Rule Charter, the BCC "*shall without delay approve as to form*" (Sec. 7.01(1) of the Home Rule Charter. (A copy of Sec. 7.01 is appended as Attachment #1 to this analysis.)

Sec. 12-23 of the Code of Ordinances provides specific guidance on the form of petition, disqualification of forms, and disqualification of signatures. (A copy of Sec. 12-23 is appended as Attachment #2 of this analysis.)

IV. ECONOMIC IMPACT

To be determined.

V. COMMENTS AND QUESTIONS

At this time, **Item 14(A)(1)** is not before the BCC for approval as to content other than form. If signed petitions are subsequently collected and submitted with sufficient signatures within the time period allotted by the Home Rule Charter, the BCC will then have the option to either adopt the ordinance as submitted or to submit it to the electors.

- If the ordinance is adopted by the electorate, Sec. 7.01(7) of the Home Rule Charter prohibits the BCC from amending or repealing the ordinance for one (1) year after the referendum.

A table listing timeline/requirements per the Home Rule Charter and Code of Ordinances are appended as Attachment #1.

BCC ITEMS 14(A)(1)
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Attachment #1

Timeline/Requirements per the Home Rule Charter and Code of Ordinances.

Time	Event
Timeline begins	Approval of the form by the BCC.
Within 60 days of approval of the form	Obtain sufficient signatures (4% of registered voters in the County as of day petition is approved with no more than 25% of required signatures from voters registered in any single commission district.) [Section 7.01(2), Home Rule Charter].
Within 30 days of submission of signed petition to the BCC	BCC shall order a canvass of signatures to determine the sufficiency of the signatures [Sec. 7.01(3), Home Rule Charter].
Within 15 days (excluding weekends and legal holidays) of filing of petition of initiative	Supervisor of Elections shall disqualify any improper petitions [Sec. 12-23(2), Code of Ordinances].
Within 30 days of "sufficient petition" being presented	BCC shall either: (a) Adopt the ordinance as submitted in the initiatory petition [Sec. 7.01(5), Home Rule Charter], or (b) Submit the proposal to the electors at the next scheduled county-wide election, or if the petition contains at least 8% of registered voters, the election shall take place within 120 days after the petition is presented to the BCC [Sec. 7.01(5), Home Rule Charter]. If approved by a majority vote of the electors voting on the proposal, it becomes effective the next day [Sec. 7.01(6), Home Rule Charter].

Attachments: #1 Timeline/Requirements per the Home Rule Charter and Code of Ordinances
 #2 Sec. 7.01, Home Rule Charter
 #3 Sec. 12-23, Code of Ordinances

Attachment #2**Sec. 7.01. Initiative and referendum.**

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

(1) The person proposing the exercise of this power shall submit the proposal to the Board which shall without delay approve as to form a petition for circulation in one (1) or several copies as the proposer may desire.

(2) The person or persons circulating the petition shall, within sixty (60) days of the approval of the form of the petition, obtain the valid signatures of voters in the county in numbers at least equal to four (4) percent of the registered voters in the county on the day on which the petition is approved, according to the official records of the County Supervisor of Elections. In determining the sufficiency of the petition, no more than twenty-five (25) percent of the valid signatures required shall come from voters registered in any single county commission district. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

(3) The signed petition shall be filed with the Board which shall within thirty (30) days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Board shall notify the person filing the petition that the petition is insufficient and has failed.

(4) The Board shall within thirty (30) days after the date a sufficient petition is presented either:

(a) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or

(b) Submit the proposal to the electors in impartial and concise language and in such manner as provides a clear understanding of the proposal.

(5) If the board determines to submit the proposal to the electors, the election shall be held either:

(a) In the next scheduled county-wide election, or

(b) If the petition contains the valid signatures of voters in the county in numbers at least equal to eight (8) percent of the registered voters in the county, the election shall take place within one hundred twenty (120) days after the date the petition is presented to the Board, preferably in an election already scheduled for other purposes, otherwise in a special election.

The result shall be determined by a majority vote of the electors voting on the proposal.

(6) An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:

(a) Any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and

(b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and

(c) Should two (2) or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

(7) An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

Editor's note: Sec. 7.01(2), (3), and (5) were amended by the electorate on Oct. 5, 1978, to (1) change the time for circulating an initiative petition to sixty (60) days; (2) change the signatures requirement to four (4) percent of the county's registered voters, with not more than twenty-five (25) percent from any one (1) district; and (3) schedule initiatory and referendary elections in the next county-wide election unless the petition includes the signatures of eight (8) percent of the county's registered voters in which case a special election is to be held.

Sec. 701.(4) was amended by the electorate on Oct. 5, 1978, to require submission "in impartial and concise language and in such manner as provides clear understanding of the proposal."

Sec. 7.01(6)(1) was amended by the electorate on Oct. 5, 1978, by adding "increase in" before "expenditures" and other rewording for clarification of intent.

Attachment #3

Sec. 12-23. Initiative, referendum and recall petitions--Verification of signatures; disqualification of non-complying petitions.

(1) *Form of Petition.* All petitions for initiative, referendum, and recall submitted pursuant to Article 7 of the Miami-Dade County Home Rule Charter shall be in a format determined by the Supervisor of Elections; providing, however, each petition shall contain the following information:

- A. A statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form.
- B. The residence address of the circulator.
- C. Dates between which all the signatures on each individual petition were obtained.
- D. A sworn statement that the circulator personally circulated the petition, witnessed each signature as it was being written and that to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- E. A sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (1)(D) hereof; stating that it is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.
- F. Any individual who knowingly signs more than one petition or who attempts to sign another person's name, or a fictitious name shall be deemed to have violated F.S. § 104.185, and in addition shall be guilty of a misdemeanor in the second degree.

(2) *Disqualification of Forms.* Within fifteen (15) days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court, shall disqualify the following petition forms:

- A. Those that do not include the title and text of the ordinance or the Charter provision sought to be enacted or repealed.
- B. Those that do not comply with any one or more of the provisions relating to the circulator set forth in Section (1) hereof.
- C. Those where the notary failed to comply with the provisions of F.S. § 117.05, requiring the notary to certify that to the best of his or her knowledge he or she knows the circulator or has seen documentary evidence to substantiate the authenticity of the circulator.
- D. Those where the notary is the same person as the circulator.
- E. Those where the signatures of the circulator or notary are dated earlier than the dates on which the electors signed the petition.

(3) *Disqualification of Signatures.* The Supervisor of Elections in the case of the initiative or referendum, or the Clerk of the Circuit Court in the case of recall, shall disqualify the following signatures:

- A. Those signatures that are not accompanied by a residence address or precinct number of the voter.
- B. Those signatures that are illegible.
- C. Those signatures not dated.
- D. Those signatures representing persons who were not registered voters in Miami-Dade County on the date they signed the petition.
- E. The second and any additional signatures of an otherwise eligible voter.

F. Those signatures that appear different to the extent that it cannot be determined that the person signing the petition and the person who is registered to vote are one and the same.

(Ord. No. 01-181, §§ 1-3, 11-6-01)